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STATUTES  
OF THE  
PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE  
FIFTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA,  
Being the First Session of the Seventh Legislature of Ontario.

BEGUN AND HOLDEN AT TORONTO, ON THE ELEVENTH DAY OF FEBRUARY IN THE YEAR OF  
OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE.



---

HIS HONOUR  
SIR ALEXANDER CAMPBELL, K.C.M.G.  
LIEUTENANT-GOVERNOR.

---

Toronto :  
PRINTED BY LUD. K. CAMERON,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
1891.





PRINTED AND BOUND BY  
**WARWICK & SONS,**  
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1891.—54 VICTORIA.

# FIRST SESSION, SEVENTH LEGISLATURE.

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## 54 VICTORIA.

### CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-one, and for other purposes therein mentioned.

*[Assented to 4th May, 1891.]*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Honourable Sir Alexander Campbell, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-one; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

Preamble

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million seven hundred and two thousand four hundred and twenty-seven dollars and fifty-nine cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and ninety-one as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-two, as set forth in schedule B to this Act.

\$3,702,427.59  
granted out of  
the Consoli-  
dated Revenue  
Fund for cer-  
tain purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Accounts to be  
laid before the  
Legislature.

Unexpended  
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-one, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account-  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

### SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-one, and the purposes for which they are granted.

#### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

Government House .....	\$1,950 00	
Lieutenant-Governor's Office .....	3,980 00	
Executive Council and Attorney-General's Office .....	17,850 00	
Education Department .....	19,000 00	
Crown Lands Department.....	49,550 00	
Department of Public Works .....	20,550 00	
Inspection of Public Institutions .....	11,450 00	
Treasury Department .....	29,720 00	
Department of Agriculture .....	25,475 00	
Secretary and Registrar's Department.....	19,260 00	
Department of Immigration .....	1,600 00	
Provincial Board of Health .....	8,050 00	
Miscellaneous .....	12,500 00	
		<hr/>
		\$220,935 00

#### LEGISLATION.

To defray expenses of Legislation..... \$122,700 00

#### ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$54,273 00	
Surrogate Judges and Local Masters .....	25,340 45	
Miscellaneous Criminal and Civil Justice .....	320,721 00	
		<hr/>
		\$400,334 45
		EDUCATION.



## EDUCATION.

To defray expenses of :—

Public and Separate Schools.....	\$243,248 73	
Schools in Unorganized Districts and Poor		
Schools .....	35,000 00	
Kindergarten Schools .....	3,000 00	
Night Schools .....	1,000 00	
High Schools and Collegiate Institutes.....	100,000 00	
Model Schools.....	9,300 00	
Special grant to French Training School.....	800 00	
do      Public Schools in unorganized		
districts for training District Teachers..	1,000 00	
Teachers' Institutes .....	2,300 00	
Ontario School of Pedagogy (grant).....	1,200 00	
Inspection of Schools .....	55,200 00	
Departmental Examinations.....	14,750 00	
Ontario School of Pedagogy (maintenance)..	4,650 00	
Normal and Model Schools, Toronto.....	22,460 00	
Normal      "      "      Ottawa.....	21,540 00	
Library and Museum .....	5,250 00	
School of Practical Science.....	13,370 00	
Mechanics' Institutes, Art Schools, Literary and		
Scientific .....	48,450 00	
Miscellaneous .....	3,500 00	
Superannuated and Public and High School		
Teachers .....	59,800 00	
	<hr/>	\$645,818 73

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto.....	\$101,816 00	
Mimico Branch.....	48,126 00	
Asylum for the Insane, London .....	134,482 00	
Asylum for the Insane, Kingston.....	78,397 00	
Asylum for the Insane, Hamilton.....	137,457 00	
Asylum for the Insane, Orillia .....	60,202 00	
Central Prison, Toronto .....	125,895 00	
Provincial Reformatory, Penetanguishene....	41,650 00	
Institution for the Deaf and Dumb, Belleville..	43,973 00	
Institution for the Blind, Brantford.....	36,000 00	
Mercer Reformatory for Females .....	30,626 00	
	<hr/>	\$838,624 00

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration..... \$10,000 00

## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture..... \$145,688 00  
COUNTY

## COUNTY HOUSES OF REFUGE.

To defray expenses of a grant in aid of County Houses of Refuge.....	\$32,750 00
--	-------------

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities.....	\$135,001 34
--	--------------

## MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

Government House.....	\$ 7,500 00
Parliament Buildings:—	
Main Buildings .....	9,900 00
West Wing .....	2,800 00
East Wing .....	4,050 00
Education Department (Normal School Building) .....	8,700 00
Rented premises, Simcoe Street.....	2,700 00
Rented premises, Wellington Street.....	1,550 00
Miscellaneous .....	3,158 00
Normal School, Ottawa .....	3,350 00
School of Practical Science .....	2,000 00
Agricultural College.....	6,150 00
Agricultural Hall .....	650 00
Osgoode Hall .....	8,640 00
	<hr/>
	\$61,148 00

## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	\$ 8,170 00
Mimico Cottages .....	117,667 00
Asylum for the Insane, London .....	43,350 00
Asylum for the Insane, Hamilton.....	62,413 00
Asylum for the Insane, Kingston .....	18,590 00
Asylum for Idiots, Orillia.....	85,600 00
Reformatory, Penetanguishene.....	8,730 00
Reformatory for Females, Toronto .....	4,665 00
Central Prison, Toronto.....	4,415 00
Deaf and Dumb Institute, Belleville.....	19,700 00
Blind Institute, Brantford.....	16,426 00
Agricultural College, Guelph .....	29,895 00
Normal School and Education Depart't, Toronto	5,500 00
Normal School, Ottawa.....	27,500 00
School of Practical Science, Toronto .....	39,990 00
Osgoode Hall, Toronto .....	8,750 00
Government House, Toronto.....	3,000 00
District of Algoma.....	1,600 00
Thunder Bay District .....	1,000 00
Rainy River District.....	4,250 00
Muskoka District .....	1,900 00
Parry Sound District.....	1,700 00
Nipissing District .....	5,300 00
Haliburton District.....	300 00
Miscellaneous .....	380 00
	<hr/>
	\$520,791 00
	PUBLIC



## PUBLIC WORKS.

To defray expenses of Public Works ..... \$49,540 00

## COLONIZATION ROADS.

To defray expenses of Construction and Repairs ..... \$99,200 00

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands ..... \$184,682 00

## REFUNDS.

Education.....	\$2,000 00	
Crown Lands.....	18,500 00	
Municipalities Fund.....	1,581 58	
Land Improvement Fund.....	2,881 79	
	<hr/>	\$24,963 37

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure ..... \$80,251 70

## UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses..... \$50,000 00

Total estimates for expenditure of 1891... .. \$3,622,427 59

## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-two, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1892.....	\$ 80,000 00
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Total.....	<hr/>	\$3,702,427 59
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## CHAPTER 2.

An Act respecting the settlement, by arbitration, of accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the said two Provinces.

[Assented to 4th May, 1891.]

## Preamble.

**W**HEREAS certain questions have arisen or may hereafter arise in the settlement of the accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the two Provinces, concerning which no agreement has hitherto been arrived at ; and whereas at a conference, held on the 28th of November, 1890, by representatives of the Governments of the Dominion, of Ontario and of Quebec, it was proposed that these and all other questions arising out of or incident to the settlement of these accounts should be referred to arbitrators ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Settlement of accounts between the Dominion and Provinces to be referred to arbitration.

**1.** For the final and conclusive determination of the question above referred to, the Lieutenant-Governor in Council may unite with the Governments of the Dominion of Canada and the Province of Quebec in the appointment of three arbitrators, to whom shall be referred such of these questions as the Governments of the Dominion and of the two Provinces shall mutually agree to submit.

Appointment of arbitrators.

**2.** The arbitrators shall consist of three judges, one to be nominated by the Dominion, and one by each of the Provinces, and all three shall be approved of by each of the Governments.

Constitutional questions.

**3.** The arbitrators shall not assume to decide any disputed constitutional questions, but if any are raised, they will note and report them with their award, but without delaying their proceedings.

Two arbitrators may make an award.

**4.** Any two of the arbitrators shall have power to make an award.

Several awards.

**5.** The arbitrators or any two of them shall have power to make one or more awards, and to do so from time to time.

Principals which are to guide arbitrators in their decisions. Appeal.

**6.** The arbitrators shall not be bound to decide according to strict rules of law, but may decide upon equitable principles, but when they do proceed on their view of a disputed question of law, the award shall set forth the same at the instance of either party, and the award shall be subject to appeal, so far

as



as relates to such decision, to the Supreme Court, and thence to the Judicial Committee of Her Majesty's Privy Council in England, in case their Lordships are pleased to entertain the appeal.

7. In case of an appeal on a question of law being successful, the matter shall go back to the arbitrators for the purpose of making such changes in the award as may be necessary; or the Supreme Court or Judicial Committee aforesaid may make any other direction as to the necessary changes.

Proceedings after successful appeal.

8. The appointment of the said arbitrators by Order in Council and their award in writing, shall bind this Province, save in case of appeal on questions of law as hereinbefore mentioned.

Award to bind the Province.

9. In case of a vacancy by death or otherwise, among the arbitrators, the same shall be filled in the same way as the appointment was first made, namely, by the nomination of the government whose arbitrator is deceased or has become incapacitated, approved by the other two Governments.

Vacancy in office of arbitrator.

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## CHAPTER 3.

An Act for the settlement of questions between the Governments of Canada and Ontario respecting Indian Lands.

*[Assented to 4th May, 1891.]*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Lieutenant-Governor in Council, if he shall see fit, to enter into an agreement with the Government of Canada in accordance with the terms of the draft of a proposed agreement contained in the schedule to this Act, with any modification or additional stipulations which may be agreed to by the two Governments, and such agreement, when entered into, and every matter and thing therein, shall be as binding on this Province as if the same were specified and set forth in an Act of this Legislature, and the Lieutenant-Governor in Council is hereby authorized to carry out the provisions of the agreement so to be entered into.

Agreement between Provincial and Dominion Governments authorized.

SCHEDULE.

## SCHEDULE.

*(Section 1.)*

Agreement made by the \_\_\_\_\_ on behalf of  
the Government of Canada on the one part, and on behalf of  
the Government of Ontario on the other part subject, etc.

Whereas by Articles of a Treaty made on 3rd October, 1873, between Her Most Gracious Majesty the Queen, by Her commissioners the Honourable Alexander Morris, Lieutenant Governor of Manitoba and the North West territories, Joseph Albert Norbert Provencher and Simon James Dawson, on the one part, and the Saulteaux Tribe of the Ojibbeway Indians, inhabitants of the country within the limits thereafter defined and described, by their chiefs, chosen and named as therein-after mentioned, of the other part; which said Treaty is usually known as the North West Angle Treaty, No. 3; The Saulteaux tribe of the Ojibbeway Indians and all other the Indians inhabiting the country therein defined and described surrendered to Her Majesty all their rights, titles and privileges whatsoever to the lands therein defined and described on certain terms and considerations therein mentioned.

And whereas by the said Treaty out of the lands so surrendered, Reserves were to be selected and laid aside for the benefit of the said Indians; and the said Indians were amongst other things hereinafter provided to have the right to pursue their avocations of hunting and fishing throughout the tract surrendered, subject to such regulations as might from time to time be made by the Government of the Dominion of Canada, and saving and excepting such tracts as might from time to time be required or taken up for settlement, mining, lumbering or other purposes by the said Government of the Dominion of Canada or by any of the subjects thereof duly authorized therefor by the said Government.

And whereas the true boundaries of Ontario have since been ascertained and declared to include part of the territory surrendered by the said Treaty, and other territory north of the height of land with respect to which Indians are understood to make a claim as being occupants thereof, according to their mode of occupying, and as not having yet surrendered their claim thereto or interest therein.

And whereas before the true boundaries had been declared as aforesaid, the Government of Canada had selected and set aside certain Reserves for the Indians in intended pursuance of the said treaty, and the said Government of Ontario was no party to the selection, and has not yet concurred therein.

And

And whereas it is deemed desirable for the Dominion of Canada and the Province of Ontario to come to a friendly and just understanding in respect of the said matters, it is, therefore, agreed as follows, subject to confirmation as already mentioned :—

1. With respect to the tracts to be from time to time taken up for settlement, mining, lumbering or other purposes and to the regulations required in that behalf as in the said Treaty mentioned, it is hereby conceded and declared that, as the Crown lands in the surrendered treaty have been decided to belong to the Province of Ontario, or to Her Majesty in right of the said Province, the rights of hunting and fishing by the Indians throughout the tract surrendered, not including the Reserves to be made thereunder, do not continue with reference to any tracts which have been, or from time to time may be, required or taken up for settlement, mining, lumbering or other purposes by the Government of Ontario or persons duly authorized by the said Government of Ontario; and that the concurrence of the Province of Ontario is required in the selection of the said Reserves.

2. That to avoid dissatisfaction or discontent among the Indians, full enquiry will be made by the government of Ontario as to the reserves heretofore laid out in the territory, with a view of acquiescing in the location and extent thereof unless some good reason presents itself for a different course.

3. That in case the government of Ontario after such enquiry is dissatisfied with the reserves or any of them already selected, or in case other reserves in the said territory are to be selected, a joint commission or joint commissions shall be appointed by the two governments of Canada and Ontario to settle and determine any question or all questions relating to such reserves or proposed reserves.

4. That in case of all Indian reserves so to be confirmed or hereafter selected, the waters within the lands laid out or to be laid out as Indian reserves in the said territory, including the land covered with water lying between the projecting headlands of any lake or sheets of water, not wholly surrounded by an Indian reserve or reserves, shall be deemed to form part of such reserve, including islands wholly within such headlands, and shall not be subject to the public common right of fishery by others than Indians of the band to which the reserve belongs.

5. That this agreement is made without prejudice to the jurisdiction of the parliament of Canada, with respect to inland fisheries under the British North America Act, 1867, in case the same shall be decided to apply to the said fisheries herein mentioned.

6. That any future treaties with the Indians in respect of territory in Ontario to which they have not hitherto surrendered their claim aforesaid, shall be deemed to require the concurrence of the government of Ontario.



## CHAPTER 4.

An Act to further amend the Acts relating to the erection of New Provincial Buildings.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

43 V., c. 2,  
48 V., c. 6,  
50 V., c. 3,  
amended.

1. The Act passed in the 43rd year of Her Majesty's reign, chaptered 2, and intituled *An Act to provide for the erection of New Buildings for the accommodation of the Provincial Legislature and Public Departments*, as the same is amended by chapter 6 of the Acts passed in the 48th year of Her Majesty's reign, and by chapter 3 of the Acts passed in the 50th year of Her Majesty's reign, is further amended by omitting therefrom the words "ten hundred and fifty thousand dollars" wherever the same occur in the said Act as so amended, and inserting in lieu thereof the words "twelve hundred and fifty thousand dollars."

## CHAPTER 5.

An Act to amend the Election Laws.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Voters name  
must appear  
on certified  
list.  
Rev. Stat. c.  
9, s. 103  
amended.

1. No person shall be entitled to vote at any election unless his name is on the voters' list as certified by the judge, or one of the lists certified by him under the 17th section of *The Ontario Voters' Lists Act, 1889*; and section 103 of *The Ontario Election Act* is amended by striking out the first three lines to the word "therefrom" in the third line, and substituting therefor the following words: "If a person whose name is "not entered on the copy of the voters' list delivered to the "returning officer or deputy returning officer claims that his "name is on the voters' list, or on one of the copies of the "voters' list certified by the judge, and has been by mistake "or otherwise omitted from the copy in the hands of the "returning officer or deputy returning officer."

2. The said section is further amended by striking out the last four lines, commencing with the words "and also" in the eighteenth line, to the end of the section. Rev. Stat. c. 9, s. 103, amended.

3.—(1) Notwithstanding anything in section 192 of *The Ontario Election Act*, lawful election accounts which would have been payable if sent in within one month of the day of the declaration may be paid by the candidate through his election agent after that time if such account is approved by one of the judges of the High Court or by the county court judge, (or one of the county court judges), of the county in which the election took place, and the judge makes an order to that effect, and not otherwise. All sums allowed by a judge shall within one week thereafter be advertised in the same newspapers as the other election accounts. Payment of lawful accounts rendered after one month from election.

(2) This section shall apply to accounts in connection with past as well as future elections.

4. In lieu of a copy of a voters' list or portion thereof, any person shall be entitled to demand and receive from the clerk of the peace or the clerk of the municipality (having as such the custody of the last revised and corrected list of voters for the municipality or a certified copy thereof) a copy of the statement of the alterations and corrections made by the judge in accordance with section 17 of *The Ontario Voters' List Act, 1889*; and the fees payable for such copy shall be at the same rates per name as for a copy of the voters' list or of part thereof. Copies of alterations made in lists by judge to be given to applicants. 52 V. c. 3.

5. To prevent frauds and in order that in districts where there are no voters' lists the oath to be taken by a household voter may more closely conform to the intended qualification of such voter, the form in the schedule hereto is substituted for form 24 in *The Ontario Election Act*. Oath of household voters. Rev. Stat. c. 9.

## SCHEDULE.

### (Section 5.)

#### *Resident Householder's Oath.*

You swear (1) That you are A. B., (2) and that you have not voted before at this election, either at this or any other polling place ;

That you are actually, truly and in good faith, a resident householder in the said district, in respect of the property which has now on your information been entered on the Deputy Returning Officer's lists as the property on which you vote ;

That you are owner, (tenant or occupant as the case may be), of the said property and not a mere lodger or boarder in the house ;

That you are now, and have been continuously for the six months immediately preceding this date, actually, truly, and in good faith, a resident householder of this Electoral District ; (or of the territory included in this Electoral District as the case may be) ;

That you are entitled to vote at this election in respect of the said property ;

that

That this, to the best of your belief, is the polling place nearest to the said property ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty, either by birth or by naturalization ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person to induce him either to vote or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(2) Insert here the name of the voter.

## CHAPTER 6.

### An Act to Amend The Ontario Controverted Elections Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat., c.  
10, s. 12 re-  
pealed.

1. Section 12 of *The Ontario Controverted Elections Act* is repealed, and the following substituted therefor:—

Publication of  
notice of  
petition.

12.—(1) On presentation of the petition the registrar of the court shall send a copy thereof by mail to the returning-officer of the electoral district to which the petition relates, who shall forthwith publish a notice thereof once in a newspaper published in the district, or, if there be no newspaper published in the district, then in a newspaper published in an adjoining district.

Form of  
notice.

(2) The notice to be published, under the next preceding sub-section, may be in the form following:—

"Notice is hereby given that \_\_\_\_\_ has presented a petition to the Court of Appeal for Ontario, under *The Ontario Controverted Elections Act*, against the return of \_\_\_\_\_, Esquire, as member of the Provincial Legislative Assembly for the district of \_\_\_\_\_, and, (where the seat is claimed), claiming the seat for \_\_\_\_\_.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

Returning Officer.



2. Section 63 of the said Act is repealed, and the following substituted therefor :

Rev.Stat. c.  
10, s. 63,  
repealed.

63. A writ for a new election shall not be issued until after the expiration of eight days from the decision of the judge or judges, declaring the election or return to be void ; and, if an appeal is meantime brought from the part of the decision which declares the election or return to be void, the writ shall not issue, pending an appeal.

Time for  
issue of writ  
for new elec  
tion.

## CHAPTER 7.

### An Act to amend The Public Lands Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Public Lands Act* is hereby amended by adding thereto the following as sections 14a, 14b and 14c :—

Rev. Stat., c.  
24 amended.

14a. It shall not be necessary hereafter in any letters patent for lands granted under this Act or for agricultural purposes to mention the reserve to the Crown of mines, minerals or mining rights, but the same shall be and are hereby reserved, unless otherwise provided in the patent or grant from the Crown.

Express reser-  
vation of  
mines in let-  
ters patent  
unnecessary.

14b. Such mines, minerals and mining rights, so reserved by the preceding section, shall be property separate from the surface of the soil, or from the soil covering the same, and shall constitute a property under the soil, and shall continue to be the property of the Crown and be public property independent from that of the soil above it, unless the proprietor of the soil has acquired it from the Crown as a mining location or otherwise.

Mines on  
lands patented  
to continue to  
be Crown  
property.

14c. The two preceding sections shall not apply to any lands sold, granted or leased under *The General Mining Act* for mining purposes, nor to land located or sold under this Act without reserve of minerals, but for which a patent shall be granted after the passing hereof.

Application of  
preceding sec-  
tions.

2. The Lieutenant-Governor in Council may, notwithstanding the foregoing sections, from time to time, by order, set apart any tract or tracts of land or territory within the Province not being mineral lands, in respect of which the grants or patents shall expressly vest in the grantee the mines, minerals and mining rights, or such of them as shall be specifically mentioned in the order or in the patent.

Lieutenant-  
Governor may  
set apart lands  
to be granted  
without  
mining  
rights therein.

Grants of timber licenses prior to completion of settlement duties legalized.

3. In order to remove doubts, it is hereby declared that the Commissioner of Crown Lands has and has had since the 27th day of May, 1869, authority to grant or renew timber licenses covering or including lands sold by the Crown and the timber thereon under *The Public Lands Act*, prior to the completion of settlement duties upon such lands and to the filing of the proof of the completion of such settlement duties in the Department of Crown Lands.

Licenses confirmed.

4. All timber licenses which have heretofore issued or been renewed or which may hereafter issue or be renewed, covering or including any such lands and the timber thereon prior to the completion of settlement duties upon the lands sold by the Crown and to the filing of the proof of the completion of such settlement duties in the Department of Crown Lands, are declared to have been and shall be as good and valid and effective licenses to all intents and purposes as though issued or renewed prior to the expiry of three years from the date of sale of such lands.

Pending proceedings not affected.

5. Nothing in the two next preceding sections contained shall affect any suit, proceeding or litigation pending on the 20th day of April, 1891.

Act incorporated with Rev. Stat. c. 24.

6. This Act shall be read with and as part of *The Public Lands Act*.

## CHAPTER 8.

### An Act to amend The General Mining Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Price of mining locations.

1.—(1) After the passing of this Act the price of all Crown lands to be sold as mining lands or locations in the Districts of Algoma, Thunder Bay, Rainy River and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawa shall be :

Where the same is within a surveyed township and is within twelve miles of any railway ..... \$4 50 per acre.

Where the same is within twelve miles of any railway but in unsurveyed territory ..... \$4 00 per acre.

All other mining lands in surveyed territory.. \$3 50 per acre.

All other mining lands in unsurveyed territory \$3 00 per acre.

(2) The price of all other Crown lands sold as mining lands or locations, and lying south of the aforesaid lake and rivers,

When

When within a surveyed township, any part of which lies within twelve miles of any railway, shall be..... \$3 00 per acre.  
 When situate elsewhere ..... \$2 00 per acre.

(3) Where any locality or territory is shown to be rich in mines and minerals, the Lieutenant-Governor in Council may by regulation set apart the whole or part of such locality or territory, and may fix the price per acre at any greater sum than is hereinbefore mentioned, or may temporarily withdraw the same from sale.

(4) This section shall not apply to mining lands sold by the Crown before the passing of this Act, but for which the patent shall not issue until after the passing hereof.

(5) Notwithstanding anything herein contained grants may hereafter be made of mining lands at the price and upon the conditions heretofore applicable for which bona fide application has been made to the Department of Crown Lands in writing prior to the 24th day of April, 1891,

(a) Where the purchase money has heretofore been paid into the Department therefor,

(b) Where a deposit has heretofore been made in the Department on account and it is satisfactorily shown that considerable expense has been heretofore incurred in surveying the lands applied for or in developing the mines thereon or in and about the actual bona fide discovery of valuable minerals thereon, provided the application is renewed and the balance of the purchase money paid within three months from the passing hereof,

(c) Where an applicant is an actual explorer or prospector and gives satisfactory proof of actual discovery of valuable minerals by himself on any lot not exceeding 160 acres and upon which he has erected for the purpose of evidencing and holding possession or otherwise a house, hut or shanty in which he has resided during the years 1889 or 1890, for a period of at least six months, or where it is made to appear that he has incurred considerable expense in and about the actual and bona fide discovery of valuable minerals thereon, and where application shall be made and the purchase money paid within three months from the passing hereof.

(d) Instead of grants, leases may be made of such lands without reservation of and free from royalty.

2.—(1) The grantee and owner of any mining location or lot or parcel sold and patented under the preceding section shall, during the seven years immediately following the issue of the

Expenditure  
per acre to be  
made by  
owner.



the patent therefor, expend in stripping or in opening up mines, in sinking shafts or in other actual mining operations, where the quantity contained in the patent exceeds 160 acres \$4 per acre during the first seven years; where the quantity contained in the patent is 160 acres or less, \$5 per acre during the first seven years.

How expenditure may be made.

(2) The said expenditure may consist of labour actually performed by grown men at the rate of two dollars and a half per day, or of payment therefor or for explosives or other mining material for use on the particular parcel of land.

In default of expenditure lands to revert to Crown.

(3) In default of such expenditure as aforesaid during the said period, the mines and minerals, with the right of access thereto and removal therefrom, and all mining rights upon, under or connected with any such lot or part of lot or so much thereof as shall be owned by any person who has failed to make the expenditure in respect of the portion or parcel owned by him shall, upon the report of the Director of Mines that such expenditure has not been made, confirmed by an Order of the Lieutenant-Governor in Council, revert to, become the property of and be vested in Her Majesty, her successors and assigns, and shall cease to be the property of any other person or persons whatsoever; but the grantee or owner shall retain all his other interests in the land or soil as agricultural land as distinct from the mines and minerals.

Royalties payable to Crown.

3.—(1) All ores and minerals mined, wrought or taken from lands located, sold and granted or leased by the Crown after the passing of this Act shall be subject to a royalty to the Crown for the use of the Province, whether such royalty be reserved in the grant, patent or lease, or not. The following specifically named ores shall be subject to the royalty following: silver, nickel or nickel and copper, 3 per cent. All other ores except iron shall be subject to such royalty as shall be from time to time imposed by Order in Council, not exceeding three per cent, and iron ore not exceeding two per cent. Nevertheless, and to assure speedy development, it is provided that the royalty hereby reserved shall not be imposed or collected upon any ores mined, wrought or taken until after seven years from the date of the patent or lease, except as to those mines known to be rich in nickel and as to these until after four years.

Royalties, how payable.

(2) All royalties shall be calculated upon the value of the ores at the pit's mouth, and shall be payable at such time and times and the values shall be fixed and ascertained in such manner as shall be provided by regulation to be made by the Lieutenant-Governor in Council in that behalf.

Ores taken for experimental purposes to be free of royalty.

4. The Lieutenant-Governor in Council may by regulation provide that the ores of any mine taken or to be taken out by way of experiment and for the purpose of ascertaining the quality

quality and value of the metal and mine shall be free from royalty upon the recommendation of the Director of Mines.

5.—(1) Instead of granting any mining lands in fee simple, the same may be leased or demised for a term of ten years, with the right of renewal for a further term of ten years at the same rental if the covenants and conditions have been performed and fulfilled. Unless otherwise provided by regulation, the rental for the first year shall be one dollar per acre and thereafter the sum of twenty-five cents per acre per annum, payable in advance, in respect of the lands or within the territory designated in sub-section 1 of section 1 of this Act, and sixty cents per acre the first year, and thereafter fifteen cents per acre per annum payable in advance, for lands situate elsewhere. Leases of mining lands; authorized.

(2) Such lease may at the expiration of the second term, if the covenants and conditions thereof have been performed and fulfilled, be renewed for a term of twenty years on such conditions and at such rent as the regulations shall provide and so on from time to time the same may be renewed at the expiration of every twenty years. Renewal of leases.

(3) Every such lease shall be subject to such covenants and conditions on the part of the lessee, his executors, administrators and assigns, to be paid, observed and performed, as shall be provided by regulation. Conditions of lease.

(4) The said lease may, among other things, provide for the removal of any mining plant and machinery which the lessee, his executors, heirs and administrators, shall have placed or erected upon the said premises in case of forfeiture or non-renewal of the lease. Removal of machinery on expiry of lease.

(5) There shall be expended in stripping or in opening up mines or in sinking shafts or in other actual mining operations the same sum upon lands leased under the provisions of this Act as it is provided shall be expended in the case of sales or grants by section 2 hereof and within the same time, and in default of such expenditure the lease shall be forfeited and become absolutely void, and the said lands, mines and minerals shall upon the report of the Director of Mines that such expenditure has not been made, confirmed by an order of the Lieutenant-Governor in Council, revert to and become the property of and be vested in Her Majesty, her successors and assigns, and shall cease to be the property of any other person or persons whatsoever. Expenditure upon lands leased.

6. The lessee may, at any time during the demised term, upon the payment of all rent due, and the performance and fulfillment of all other covenants and conditions, become the purchaser of the lands demised to him, and in any such case the sum paid for the first year's rental shall be treated as part of the purchase money. When lessee may become purchaser.

Forfeiture of  
leases on non-  
payment of  
rent.

7. If default is made by the lessee in the payment of rent, the lease shall be forfeited and become absolutely void, but the lessee may defeat the forfeiture by payment of the full amount of rent within ninety days from the date hereinbefore appointed for payment thereof, with the addition of a sum by way of penalty, calculated as follows, that is to say—if the rent is paid within thirty days, five per centum is to be added, if the rent is paid within sixty days ten per centum is to be added, and if the rent is paid after sixty days fifteen per centum is to be added; but unless the whole of the rent, together with such penalty, is paid within ninety days from the appointed day, the lease shall be absolutely forfeited and void, any statute, law, usage or custom, to the contrary notwithstanding, and all claims of any and every kind or description of the lessee or his assigns shall, from and after such last mentioned period, forever cease and determine.

Application of  
Rev. Stat. c.  
31, s. 12, to  
leases.  
Exceptions.

8. Section 12 of *The General Mining Act* shall apply to all leases issued under this Act, with the following limitations and variations, that is to say—That no pine trees shall be used for fuel, other than dry pine trees, and (except for domestic or household purposes) only after the sanction of the timber licensee or the Department of Crown Lands is obtained. And in case it is intended to clear for cultivation any portion of the lands so leased, it shall be the duty of the lessee to give the holder of the timber license three months' notice, in writing, of his intention to clear, and the area intended to be cleared, and its position; so that such timber licensee may remove any timber on the area intended to be cleared. But if at the expiry of the time limited by the notice, such timber shall not have been removed from the area intended to be cleared, then the lessee shall be at liberty to cut and dispose of all trees required to be removed in actually clearing for cultivation the area specified in such notice; and all trees so cut and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses. But during the first ten years if it is sought to cut timber, other than pine, on the lands so leased beyond what is required for building, fencing or fuel, or in the course of actual clearing for cultivation, or for any other purpose essential to the working of the mines, as hereinbefore provided, application shall first be made to the Commissioner of Crown Lands, who may grant authority to cut such timber, and fix the rate of dues to be paid thereon.

Appointment  
of director of  
mines.

9. There shall be established in connection with the Department of Crown Lands, a Bureau of Mines to aid in promoting the mining interests of the Province, and the Lieutenant-Governor in Council may appoint an officer to be known as Director of the Bureau of Mines, who shall act under



under the direction of the Commissioner of Crown Lands, unless and till otherwise ordered, and who shall be paid such salary as shall be voted by the Legislature.

10. The Director of the Bureau of Mines shall have all the powers, rights and authority throughout the Province as an inspector or local agent has, or may exercise in any mining division or locality, and such other powers, rights and authority for the carrying out of the provisions of this Act as shall be assigned to him by regulation for that purpose. Powers of director of mines.

11. Any regulations made under *The General Mining Act* or under this Act by the Lieutenant-Governor in Council shall, if made when the Legislative Assembly is sitting, be laid upon the table of the House during the then session, and if made at any other time shall be laid upon the table of the House within fifteen days from the beginning of the next session thereof. Regulations of Lieutenant-Governor to be laid before Assembly.

12. This Act shall be read with and as part of *The General Mining Act*. Act incorporated with Rev. Stat. c. 31.

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## CHAPTER 9.

### An Act respecting the Land Improvement Fund.

[Assented to 4th May, 1891.]

WHEREAS the Parliament of the late Province of Canada Preamble. set apart one million acres of the public lands of Upper Canada for the common schools of Canada, and in order to encourage settlers and purchasers provision was made by Statute and Orders in Council for reserving out of the proceeds a sum not exceeding one-fourth of such proceeds, and also a sum not exceeding one-fifth of the proceeds of unappropriated Crown lands, as a fund for public improvement within the counties in which the said common school and Crown lands sold should be situate, which said fund was called the Land Improvement Fund; and whereas considerable portions of the said Crown lands were sold before the 6th March, 1861, when the said Orders in Council were rescinded, and divers sums were received in respect thereof between that day and the 1st July, 1867, one-fifth of which sums (less charges for management and collection) amounted to \$101,771.68 and became applicable to the said Improvement Fund; and whereas the Province of Quebec disputes any liability to the Improvement Fund in respect of the reservations from the proceeds of Crown lands, and it has been found impracticable

cable hitherto to obtain any authoritative decision as to the said dispute ; and in view of the delay which has taken place, and the further delay which may take place in procuring a settlement of the said dispute, it appears to be just and expedient for this Province (without prejudice to any question in dispute) to pay to and distribute among the municipalities concerned the share of the said sum which would be chargeable against this Province in case of the claim of the municipalities to the said sum against the late Province of Canada being made good ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Payment of  
\$53,704.92 to  
municipalities  
authorized.

1. There shall be paid out of the Consolidated Revenue Fund of this Province to the townships and other municipalities entitled thereto the sum of \$53,704.92, being the proportion which may be chargeable to the Province of Ontario in respect of the sum of \$101,771.68 claimed to be payable to the Upper Canada Improvement Fund on sales of Crown lands made by the late Province of Canada, between the 14th day of June, 1853, and 6th day of March, 1861, and money received thereon by the Province of Canada between the said 6th day of March, 1861, and the 1st day of July, 1867.

Distribution  
of moneys.

2. The said moneys shall be paid under the direction of the Lieutenant-Governor in Council to the treasurers of the various townships and municipalities appearing to be entitled thereto under the Statutes and Orders in Council of the said Province of Canada in that behalf ; and each township or other municipality shall be paid that portion of the said amount which was obtained from the lands sold as aforesaid, within the municipality, and such portion shall be ascertained and determined by authority of the Lieutenant-Governor in Council.

Adjustment  
of claims  
where bound-  
aries of bound-  
aries of muni-  
cipalities  
changed.

3. In case of there having been any change in the boundaries of any township or other municipality, or in the case of an incorporated village or town having been formed, or its limits extended, within a township, or partly within each of two or more townships, the councils interested may agree as to their respective proportions of the money to which each municipality is entitled ; or may refer the question to arbitration ; or in case they fail to agree or to arbitrate, the proportion of each shall be ascertained and determined by authority of the Lieutenant-Governor in Council.

Application  
of moneys by  
councils.

4. All moneys paid under this Act may be applied by the council receiving the same for the use and benefit of the municipality in any way the council sees fit.

## CHAPTER 10.

## An Act to amend The Agriculture and Arts Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 85 of *The Agriculture and Arts Act* is repealed, and the following section substituted therefor :—

Rev. Stat. c 39, s. 85, repealed.

85 Any person who wilfully signs any false pedigree intended for registration in any herd, flock, or stud book, or who presents to the secretary or other officer having charge of the register for the purpose of having the same entered therein, any false or spurious pedigree, knowing the same to be false or spurious, shall upon summary conviction thereof, upon information to be laid within two years from the commission of the offence before any justice of the peace be liable to a penalty of not more than \$100 and not less than \$25 together with the costs of prosecution, for each pedigree so signed or presented, as aforesaid, by him.

Penalty for false registration of pedigree.

## CHAPTER 11.

## An Act to amend The Judicature Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. In any action brought to recover damages or other compensation for or in respect of bodily injury sustained by any person, a judge of the court wherein the action is pending, or any person who by consent of parties, or otherwise, has power to fix the amount of such damages or compensation, may order that the person in respect of whose injury, damages or compensation is sought shall submit to be examined by a duly qualified medical practitioner who is not a witness on either side, and may make such order respecting such examination and the costs thereof as he may think fit ; provided always that the medical practitioner named in any such order shall be selected by the judge making the order, and provided moreover, that such medical practitioner may afterwards be a witness on the trial of any such action unless the judge before whom the action is tried shall otherwise direct.

Medical examination where damages claimed for bodily injury.

Proviso.

CHAPTER



## CHAPTER 12.

An Act to reduce the cost of Appeals from the County Courts to the Court of Appeal.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appeal books  
on county  
court appeals.

1. In no case where an appeal is brought to the Court of Appeal from a judgment of a county court, or the judgment, decision or order of a county court judge, shall any party be required to deliver to the appellate court more than four copies of the appeal book, and the appeal books shall not be required to be printed, but they may be made by type-writing, and they shall be in words at length, the pages to be numbered consecutively, and every tenth line of each page shall be numbered in the margin and shall otherwise be, when type-written, as nearly as may be in the form in which copies of evidence are furnished by shorthand writers for use in the High Court, and the appellant, if costs be awarded to him, shall, for making all the copies of appeal books required to be delivered and served, be entitled to a sum not exceeding the rate of one dollar for every eight folios of one appeal book.

Exhibits.

2. It shall not be necessary to provide copies of the exhibits in county court appeal books.

## CHAPTER 13.

An Act for detaching from the Chancery Division of the High Court one of the Judges thereof.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Detachment  
of one Judge  
from Chancery  
Division.

1—(1) One of the four judges of the Chancery Division of the High Court of Justice for Ontario may, with his consent, be detached from the said Division without being appointed to any other Division of the said Court, or ceasing to be a judge of the High Court.

(2) In case of a vacancy occurring in the said Chancery Division without a judge thereof having been detached therefrom

from the judge to be appointed to the High Court in consequence of the vacancy shall not be attached to any particular Division thereof.

(3) In either of such cases each of the Divisions of the High Court shall thenceforward have the same number of judges.

2. The judge so detached or appointed shall continue a judge of the High Court, and shall from time to time exercise his judicial functions in any of the Divisions thereof, and in performing and expediting the business of the High Court generally, according as he may appear to be for the time being most needed for the convenient and expeditious despatch of business, and as may contribute to the equal distribution of business from time to time among the judges of the several Divisions of the said High Court, the same to be matter of mutual arrangement from time to time among the judges of the High Court, or to be regulated from time to time by order of the Presidents of the High Court and the Chief Justice of the Province, or a majority of them; or (subject thereto) by the Lieutenant-Governor in Council; and any order of the judges aforesaid, or of such majority as aforesaid, or of the Lieutenant-Governor in Council, made under this Act, shall have the same force for the time being as an Act of the Legislature.

Judge detached to exercise judicial functions in other Divisions of the H. C. of Justice.

3. The said judge shall have the same powers and duties, in respect of the Court of Appeal, and of all other matters as the other judges of the High Court.

Duties and powers of Judge.

## CHAPTER 14.

An Act for the removal of certain cases from a County Court to the High Court.

[Assented to 4th May, 1891.]

WHEREAS, under a misapprehension of law, actions are sometimes brought in a county court which are not within the jurisdiction of the said court, and it is expedient for the relief of suitors to provide as hereinafter mentioned;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where it appears at any stage of an action brought in a county court that such court has not cognizance thereof from any cause, a judge of the High Court, or the judge of the county court before whom the action is pending, may order the action to be transferred to the High Court, and the proceedings thenceforward shall be as provided by sections 23, 25 and 38 of *The County Courts Act* for like cases.

Transfer of actions improperly brought in the county court.

Rev. Stat. c. 47.

## CHAPTER 15.

## An Act to increase the efficiency of the Local Courts of the County of York.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment of second junior judge for county of York.

1. A second junior judge may be appointed for the County of York, who shall be called the second junior judge of the County of York; he shall have the same qualifications as other judges of County Courts; and wherever, by any statute of this Province, jurisdiction and powers are conferred, or duties and obligations imposed, upon a junior county judge, the like jurisdiction, powers, duties and obligations are hereby conferred on and assigned to, and may be exercised and shall be discharged by, the second junior judge; and all other provisions of law with respect to a junior judge shall apply to the said second junior judge.

Local courts in York may sit simultaneously.

2. The County Court of the county, the Court of General Sessions of the Peace, and the Division Courts, or any three or more of the Courts so herein mentioned, may sit at the same time, and the business thereof be proceeded with simultaneously, each of the said courts so held to be presided over by one or more of the judges of the County Court, or as the case may require.

Sittings of division courts in Toronto.

3. There shall be held in each of the courts of the two divisions of the City of Toronto known as the first and tenth Division Courts of the County of York, at least weekly sittings, except during the month of August, for the trial of causes; and in each of the said two Division Courts at least monthly sittings for the hearing of judgment summonses; and also sittings at least every two months for the trial of cases where juries have been demanded. The judges or any two of them of whom the senior judge shall be one, may appoint additional sittings for any of the above purposes; and the Lieutenant-Governor in Council also shall have authority to appoint other sittings for any of the said purposes.

Rev. Stat. cc. 46, 47 and 51, amended.

4. This Act shall be read as amending *The Local Courts' Act*, *The County Courts Act* and *The Division Courts Act*, and as forming part of the said Acts so amended.



## CHAPTER 16.

## An Act respecting the Disqualification of Justices of the Peace.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every person heretofore appointed who has not, prior to this Act, taken, or shall not on or before the first day of August next, take the oaths of office and qualification, shall cease to be a justice of the peace and the commission under which he was appointed shall, so far as relates to him, be deemed to be absolutely revoked and cancelled.

Justices not qualifying to cease to hold office.

2. Every person hereafter appointed a justice of the peace shall take the oaths of qualification and of office within three months from the date of the commission under which he is appointed, otherwise the said commission shall, so far as the same relates to him, be deemed to be absolutely revoked and cancelled.

Persons hereafter appointed to qualify within three months.

3. The 20th section of the *Act to prevent trespasses to Public Lands* is repealed so far as relates to Superintendents of the Indian Department, save and except for the purposes of the statute of the Parliament of Canada, called *The Indian Act*.

Rev. Stat. c. 29, s. 20, repealed for certain purposes.

## CHAPTER 17.

## An Act to amend the Act respecting County Crown Attorneys.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The County Crown Attorneys' Act* is amended by adding after section 9 thereof, the following section :—

Rev. Stat. c. 79, amended.

9a. Every county crown attorney shall procure the necessary forms for the use of justices of the peace, and shall supply the same from time to time to acting justices of the peace as needed, in such manner as he may deem expedient; and the expense of such forms shall be paid out of the county funds as part of the expenses connected with the administration of justice.

Forms for use of justices of the peace.

2. This Act shall not apply where such forms are supplied by the county council through the clerk of the county or the clerk of the peace.

Application of Act.

CHAPTER

## CHAPTER 18.

## An Act respecting the Sale of Real Estate by Executors and Administrators.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Real estate not disposed of within a year to vest in heirs unless caution registered.

Rev. Stat. c. 116.

1.—(1) Real estate not disposed of or conveyed by executors or administrators within twelve months after the death of the testator or intestate shall, at the expiration of the said period, be deemed thenceforward to be vested in the devisees or heirs beneficially entitled thereto, as such devisees or heirs, (or their assigns, as the case may be,) without any conveyance by the executors or administrators, unless such executors or administrators, if any, have caused to be registered, in the registry office, or land titles office where the land is under *The Land Titles Act*, of the territory in which such real estate is situate, a Caution under their hands that it is or may be necessary for them to sell the said real estate, or part thereof, under their powers and in fulfilment of their duties in that behalf; and in case of such Caution being so registered, this section shall not apply to the real estate referred to therein for twelve months from the time of such registration, or from the time of the registration of the last of such Cautions if more than one are registered.

Form of caution.

(2) The Caution may be in the form or to the effect following:—We (A. B and C. D.,) executors of (or administrators with the will annexed of, or administrators of) \_\_\_\_\_, who died on or about the \_\_\_\_\_ day of \_\_\_\_\_, do hereby certify that it may be necessary for us under our powers and in fulfilment of our duties as executors (or administrators) to sell the real estate of the said \_\_\_\_\_, or part thereof, (or the caution may specify any particular parts or parcels), and of this all persons concerned are hereby required to take notice:—And the execution of the said Caution shall be verified by the affidavit of a subscribing witness in manner prescribed by *The Registry Act*.

Rev. Stat. c. 114.

Caution only to affect lands specified.

(3) In case the Caution specifies the tracts or parcels which the executors or administrators may have occasion to sell, the Caution shall be effectual as to those tracts or parcels only.

Withdrawal of caution.

(4) The executors or administrators before the expiration of the twelve months may file a certificate withdrawing the Caution mentioned in the preceding sub-sections; or withdrawing the same as to any parcel of land specified in such certificate

cate and such certificate of withdrawal may be to the effect following:—We                      executors (or administrators) of                      do hereby withdraw the Caution heretofore registered with respect to the real estate of the said                      , (or as the case may be)

(5) This certificate of withdrawal shall be verified by an affidavit which may be in the form following:—I, G. H., etc. make oath and say: I am well acquainted with                      , named in the above certificate; I believe that the signatures purporting to be their signatures at the foot of the said certificate are in their hand-writing, respectively; I believe the said                      to be the persons who registered the Caution referred to in the said certificate.

Certificate of withdrawal to be verified on oath.

2—(1) Executors and administrators in whom the real estate of a deceased person is vested under *The Devolution of Estates Act, 1886*, or the 4th section of the Revised Statute respecting the devolution of estates shall be deemed to have as full power to sell and convey such real estate for the purpose, not only of paying debts, but also of distributing or dividing the estate among the parties beneficially entitled thereto whether there are debts or not, as they have in regard to personal estate; provided always that where infants or lunatics are beneficially entitled to such real estate as heirs or devisees, or where other heirs or devisees do not concur in the sale, and there are no debts no such sale shall be valid as respects such infants, lunatics, or non-concurring heirs or devisees, unless the sale is made with the approval of the official guardian appointed under *The Judicature Act*; and for this purpose the official guardian aforesaid shall have the same powers and duties as he has in the case of infants.

Executors, etc., to have same powers as to disposition of lands as in the case of personalty.

Proviso.

Rev. Stat. c. 44.

(2) This section shall not apply to an administrator where the letters of administration are limited to the personal estate, exclusive of the real estate, and shall not derogate from any right possessed by an executor or administrator independently of *The Devolution of Estates Act, 1886* or the fourth section of the Revised Statute respecting the devolution of estates.

Application of section.

49 V. c. 22.  
Rev. Stat. c. 108.

3.—(1) Past sales of such real estate as aforesaid made by executors and administrators with the written consent or approval of the official guardian, as required by the 8th section of *The Devolution of Estates Act*, shall be deemed valid by reason of this Act, and are hereby confirmed as respects all the heirs and devisees, whether infants or of full age though there were no debts of the deceased to be paid out of the proceeds.

Past sales approved by official guardian confirmed.

(2) The approval of the official guardian to be expressed in writing under his hand shall be sufficient to confirm and render valid, as respects all the heirs and devisees, though there were

no



no debts of the deceased to be paid out of the proceeds, any past sale in any case in which the value of the infant's share is under \$50.

Other cases of past sales.

(3) Past sales of such real estate as aforesaid made by executors and administrators in other cases shall be adjudicated upon according to equity and good conscience in view of all the circumstances, every sale which has been made in good faith and for a fair consideration shall be held valid.

Past sales valid unless questioned within one year.

(4) Every sale heretofore made shall be valid unless questioned in an action within one year from the passing of this Act, except in any case where under *The Devolution of Estates Act* the approval of the official guardian was required and was not obtained.

Where past sale has been subject of action.

(5) In case any past sale is now, or heretofore has been, the subject of an action, and relief is given to either party under this Act, the party obtaining such relief shall pay the cost of the action.

Persons accepting share of purchase money to be bound by sale.

4. Where before this Act there has been a sale by executors or administrators, no infant being concerned and no consent or approval of the official guardian having been obtained, but the person, or one of the persons, beneficially entitled has received and accepted, or shall hereafter receive and accept, his share or supposed share of the purchase money, such acceptance shall be deemed a confirmation of the sale as respects such person.

Bona fide purchasers of estate to hold same free from debts.

5. Persons *bona fide* purchasing real estate from the executors or administrators of a deceased owner in manner authorized by *The Devolution of Estates Act* or this Act shall be entitled to hold the same freed and discharged from any debts or liabilities of the deceased owner not specifically charged thereon otherwise than by his will, and from all claims of his devisees and heirs at law as such, and the purchasers shall not be bound to see to the application of the purchase money.

Bona fide purchasers of estate from devisee to hold same free from debts.

6. Persons *bona fide* purchasing real estate from a devisee whose devise has been assented to by the executors or administrators by deed, or by writing under their hand, or *bona fide* purchasing the real estate from any heir at law or devisee to whom the same has been conveyed by the executors or administrators shall be entitled to hold the same freed and discharged from any unsatisfied debts and liabilities of the deceased owner not specifically charged thereon otherwise than by his will; but nothing herein contained shall lessen or alter the rights of creditors as against the executors or administrators personally, or the rights of creditors as against any devisee, heir at law or next of kin in whom real estate of a deceased debtor has been vested by the executors or administrators, or permitted to become vested, to the prejudice of such creditors.

Proviso.

7.—(1) The official guardian shall have power with the approval of the Lieutenant-Governor in Council, or of the judges of the High Court of Justice, to frame rules regulating the practice and procedure to be followed in all proceedings under *The Devolution of Estates Act* or this Act, in which the privity or consent of such official guardian shall be required; and also to frame a tariff of the fees to be allowed and paid to solicitors for services rendered in such proceedings. Such rules and tariffs when approved as aforesaid shall be published in the *Ontario Gazette*, and shall thereupon have the force of law; and the same shall be laid before the Legislative Assembly at the next session after promulgation thereof.

Rules of procedure under  
Rév. Stat. c.  
108.

(2) In case the Lieutenant-Governor sees occasion in consequence of the illness or absence of the official guardian or for any other cause, he may appoint a person to act as the deputy *pro tem.* of the official guardian for the purposes of *The Devolution of Estates Act* and this Act; and a deputy appointed by the Lieutenant-Governor shall have all the powers of the official guardian as respects the said purposes.

Appointment  
of deputy  
official guardian  
*pro tem.*

(3) Affidavits may be used in proceedings taken in pursu-  
ance of the said Act or of this Act; and such affidavits may be sworn before any commissioner for taking affidavits or before a notary public.

Affidavits.

## CHAPTER 19.

### An Act respecting certain Duties, Powers and Liabilities of Trustees.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Trustee Act, 1891.*"

Short title.

2—(1) For the purposes of this Act the expression "trustee" shall be deemed to include an executor or administrator and a trustee whose trust arises by construction or implication of law as well as an express trustee, but not the official trustee of charitable funds.

Interpre-  
tation.

(2) The provisions of this Act relating to a trustee shall apply as well to several joint trustees as to a sole trustee.

(3) The expression "stock" shall include fully paid up shares.

(4) The expression "instrument" shall include an Act of the Legislature of Ontario.

Additional  
powers given.

3. The powers hereby conferred are in addition to the powers conferred by the instrument, if any, creating the trust.

Investment of  
trust funds.

4. It shall be lawful for a trustee, unless expressly forbidden by the instrument (if any) creating the trust, to invest any trust funds in his hands in terminable debentures or debenture stock of the hereinafter mentioned societies and companies, provided that such investment is in other respects reasonable and proper, and that the debentures are registered, and are transferable only on the books of the society or company in his name as the trustee for the particular trust estate for which they are held in such debentures or debenture stock as aforesaid :

(a) Of any incorporated society or company which has been, or shall hereafter be, authorized by any lawful authority to lend money upon mortgages on real estate, or for that purpose and other purposes, such society or company having a capitalized, fixed, paid up and permanent stock not liable to be withdrawn therefrom amounting to at least \$500,000, and having a reserve fund amounting to not less than 25 per cent. of its paid up capital, and its stock having a market value of not less than 25 per cent. premium, and the society or company having during each of the ten years next preceding the date of investment, paid a dividend of not less than six per centum on its ordinary stock ;

(b) Or of any society or company heretofore incorporated, under chapter 164 of the Revised Statutes of Ontario, 1877, or any Act incorporated therewith, or under chapter 169 of the Revised Statutes of Ontario, 1887, having a capitalized, fixed, paid up and permanent stock not liable to be withdrawn therefrom amounting to at least \$100,000, and having a reserve fund amounting to not less than 15 per cent. of its paid up capital, and its stock having a market value of not less than 7 per cent. premium, and the society or company having during each of the ten years next preceding the date of investment paid a dividend of not less than six per cent on its ordinary stock ; provided that nothing in this sub-section (b) shall in any way affect any investment made under authority of said Act before the passing of this Act.

(c) The trustees may from time to time vary any such investment.

Rev. Stat c.  
110, s. 30  
repealed.

(d) The 30th section of the *Act respecting Trustees and Executors and the Administration of Estates* is repealed.

Companies in  
which  
funds invested  
to be approved  
by Lieutenant  
Governor.

5. Provided that no investments shall be made under authority of this Act in the debentures of any society or company of the class first hereinbefore mentioned, which has not obtained an order of the Governor in Council approving of investments in the debentures thereof ; and such approval is not.



not to be granted to any society or company which does not appear to have kept strictly within its legal powers in relation to borrowing and investment.

6. The Lieutenant-Governor in Council if he deems it expedient may at any time revoke any order in Council previously made approving of investments in the debentures or debenture stock of any society or company. Such revocation shall not affect the propriety of investments made before such revocation.

Revocation of order in council approving of investments.

7.—(1) It shall be lawful for a trustee to appoint a solicitor to be his agent to receive and give a discharge for any money or any valuable consideration of property receivable by such trustee under the trust; and no trustee shall be chargeable with breach of trust by reason only of his having made or concurred in making any such appointment; provided that nothing herein contained shall exempt a trustee from any liability which he would have incurred if this Act had not passed in case of permitting such money, valuable consideration, or property to remain in the hands or under the control of the solicitor for a period longer than is reasonably necessary to enable the solicitor to pay or transfer the same to the trustee.

Appointment of agents by trustees for certain purposes.

(2) It shall be lawful for a trustee to appoint a banker or solicitor to be his agent to receive and give a discharge for any money payable to such trustee under or by virtue of a policy of assurance or otherwise; and no trustee shall be chargeable with a breach of trust by reason only of his having made or concurred in making any such appointment: provided that nothing herein contained shall exempt a trustee from any liability which he would have incurred if this Act had not passed, in case he permits such money to remain in the hands or under the control of the banker or solicitor for a period longer than is reasonably necessary to enable him to pay the same to the trustee.

(3) This section shall apply only where the money or valuable consideration or property is to be received after the passing of this Act.

8.—(1) No sale made by a trustee shall be impeached by any *cestui que trust* upon the ground that any of the conditions subject to which the sale was made, were unnecessarily depreciatory, unless it also appears that the consideration for the sale was thereby rendered inadequate.

Sales by trustees not impeachable on certain grounds.

(2) No sale made by a trustee shall after the execution of the conveyance be impeached as against the purchaser, upon the ground that any of the conditions subject to which the sale was made were unnecessarily depreciatory, unless it appears that such purchaser was acting in collusion with the trustee at the time when the contract for the sale was made.

(3)

(3) No purchaser, upon any sale made by a trustee, shall be at liberty to make any objection against the title upon the ground aforesaid.

(4) This section shall apply only to sales made after the passing of this Act.

When trustee  
not chargeable  
for lending on  
insufficient  
security.

**9.—**(1) No trustee lending money upon the security of any property shall be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, provided that it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be an able practical surveyor or valuer, instructed and employed independently of any owner of the property, whether such surveyor or valuer carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed one-half of the value of the property as stated in the report, and that the loan was made under the advice of the surveyor or valuer expressed in the report. This section shall apply to a loan upon any property on which the trustee can lawfully lend.

(2) This section shall apply to transfers of existing securities as well as to new securities, and to investments made as well before as after the passing of this Act, unless some action or other proceeding is pending with reference thereto at the passing of this Act.

Trustee lend-  
ing more than  
authorized  
amount.

**10.—**(1) Where a trustee has improperly advanced trust money on a mortgage security which would at the time of the investment have been a proper investment in all respects for a less sum than was actually advanced thereon, the security shall be deemed an authorized investment for such less sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest.

(2) This section shall apply to investments made as well before as after the passing of this Act, except where some action or other proceeding is pending with reference thereto at the passing of this Act.

Trustee com-  
mitting breach  
of trust at  
instigation of  
beneficiary.

**11.—**(1) Where a trustee has committed a breach of trust at the instigation or request or with the consent in writing of a beneficiary, the court may, if it thinks fit, and notwithstanding that the beneficiary is a married woman entitled for her separate use, whether with or without a restraint upon anticipation, make such order as to the court seems just for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

(2)

(2) This section shall apply to breaches of trust committed as well before as after the passing of this Act, except where an action or other proceeding is pending with reference thereto at the passing of this Act.

**12.**—(1) It shall be lawful for, but not obligatory upon, a trustee to insure against loss or damage by fire any building or other insurable property to any amount (including the amount of any insurance already on foot) not exceeding three equal fourth parts of the full value of such building or property, and to pay the premiums for such insurance out of the income thereof or out of the income of any other property, subject to the same trusts, without obtaining the consent of any person entitled wholly or partly to such income. Powers of trustees to insure trust property.

(2) This section shall not apply to any building or property which a trustee is bound forthwith to convey absolutely to any *cestui que trust* upon being requested to do so.

**13.**—(1) In any action or other proceeding against a trustee or any person claiming through him, except where the claim is founded upon any fraud or fraudulent breach of trust to which the trustee was party or privy, or is to recover trust property, or the proceeds thereof, still retained by the trustee, or previously received by the trustee and converted to his use, the following provisions shall apply :— Actions against trustees.

(a) All rights and privileges conferred by any statute of limitations shall be enjoyed in the like manner and to the like extent as they would have been enjoyed in such action or other proceeding if the trustee or person claiming through him had not been a trustee or person claiming through him.

(b) If the action or other proceeding is brought to recover money or other property, and is one to which no existing statute of limitations applies, the trustee or person claiming through him shall be entitled to the benefit of, and be at liberty to plead, the lapse of time as a bar to such action or other proceeding in the like manner and to the like extent, as if the claim had been against him in an action of debt for money had and received; but so nevertheless that the statute shall run against a married woman entitled in possession for her separate use, whether with or without restraint upon anticipation, but shall not begin to run against any beneficiary unless and until the interest of such beneficiary becomes an interest in possession.

(2) No beneficiary, as against whom there would be a good defence by virtue of this section, shall derive any greater or other



other benefit from a judgment or order obtained by another beneficiary than he could have obtained if he had brought the action or other proceeding, and this section had been pleaded.

Application of section.

(3) This section shall apply only to actions or other proceedings commenced after the first day of January, 1892, and shall not deprive any executor or administrator of any right or defence to which he is entitled under any existing statute of limitations.

Application of Act.

14—(1) This Act shall apply as well to trusts created by an instrument executed before as to trusts created after the passing of this Act.

Proviso.

(2) Provided always, that save as in this Act expressly provided, nothing therein contained shall authorize any trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do, by the instrument creating the trust.

## CHAPTER 20.

### An Act to amend the Act respecting Assignments and Preferences by Insolvent Persons.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev Stat. c 124, s. 2 repealed.

1. Section 2 of the *Act respecting Assignments and Preferences by Insolvent Persons* is repealed, and the following substituted therefor :—

Gifts, transfers, etc. made by insolvents which defeat or prejudice creditors to be void.

2.—(1) Subject to the provisions of the third section of this Act, every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects, or of bills, bonds, notes or securities, or of shares, dividends, premiums, or bonus in any bank, company or corporation, or of any other property, real or personal, made by a person at a time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency with intent to defeat, hinder, delay or prejudice his creditors, or any one or more of them, shall as against the creditor or creditors injured, delayed or prejudiced be utterly void.

(2) Subject also to the said provisions of the third section of this Act every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects, or of bills, bonds, notes, or securities, or of shares, dividends, premiums, or bonus

bonus in any bank, company or corporation, or of any other property, real or personal, made by a person, at a time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency, to or for a creditor with intent to give such creditor an unjust preference over his other creditors or over any one or more of them, shall, as against the creditor or creditors injured, delayed, prejudiced or postponed, be utterly void.

(a) Subject to the provisions of section 3 aforesaid, if such transaction with or for a creditor has the effect of giving that creditor a preference over the other creditors of the debtor or over any one or more of them, it shall in and with respect to any action or proceeding which, within sixty days thereafter, is brought, had or taken to impeach or set aside such transaction, be presumed to have been made with the intent aforesaid, and to be an unjust preference within the meaning hereof, whether the same be made voluntarily or under pressure.

(b) Subject to the provisions of section 3 aforesaid, if such transaction with or for a creditor has the effect of giving that creditor a preference over the other creditors of the debtor or over any one or more of them, it shall, if the debtor within sixty days after the transaction makes an assignment for the benefit of his creditors, be presumed to have been made with the intent aforesaid, and to be an unjust preference within the meaning hereof, whether the same be made voluntarily or under pressure.

2. Sub-section 4 of section 3 of the said Act is hereby amended by adding after the word "creditor," in the ninth line thereof, the words following, "nor to the substitution in good faith of one security for another security for the same debt so far as the debtor's estate is not thereby lessened in value to the other creditors." Rev. Stat. c. 124, s. 3, sub.-s. 4, amended.

3. Nothing in this Act contained shall affect any action, suit or proceeding now pending, and every such action, suit or proceeding shall, in all respects and for all purposes, be adjudicated upon and the said Act be construed as if this Act had not been passed. Pending proceedings not affected.

## CHAPTER 21.

## An Act respecting Mortgages and Sales of Personal Property in Manitoulin.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
125 amended.

1. *The Act respecting Mortgages and Sales of Personal Property* is amended by inserting therein the following as section 23a:—

Registration  
of chattel  
mortgages and  
bills of sale in  
Manitoulin.

23a. Where the personal property mortgaged or sold is within the temporary judicial district of Manitoulin the provisions of this Act shall apply to such instrument, with the substitution of the Deputy Clerk of Manitoulin for the Clerk of the County Court, and with the substitution of ten days for five days as the time within which the instrument or a copy thereof shall be filed.

Bills of sale  
and mortgages  
formerly filed  
with Deputy  
Clerk to be  
valid.

2. Any bill of sale or chattel mortgage heretofore filed with the said Deputy Clerk, shall be as valid as if the same had been filed with the Clerk of the County Court under said Act.

Pending pro-  
ceedings not  
affected.

3. Nothing in this Act contained shall be construed to affect any action or other proceeding pending at the time of the passing hereof in which the validity of any instrument required to be filed under the said Act is called in question by reason of the place of filing such instrument.

## CHAPTER 22.

## The Woodman's Lien for Wages Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title—  
application of  
Act.

1. This Act may be cited as "*The Woodman's Lien for Wages Act*," and shall apply to the districts of Algoma, Thunder Bay, and Rainy River.

Interpreta-  
tion.

2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:—

(1)



(1) The words "logs or timber" shall mean and include logs, timber, cedar posts, telegraph poles, railroad ties, tan bark, shingle bolts or staves or any of them. "Logs or timber."

(2) The words "labour, service or services" shall mean and include cutting, skidding, felling, hauling, scaling, banking, driving, running, rafting or booming any logs or timber and any work done by cooks, blacksmiths, artisans and others usually employed in connection therewith. "Labour, service or services."

(3) The word "person" in section 3 of this Act shall be interpreted to include cooks, blacksmiths, artisans, and all others usually employed in connection with such labour and services "Person."

(4) The word "judge" where used in this Act shall include the stipendiary magistrate where he presides over or holds division courts, and the word "bailiff" shall include a constable who under *The Division Courts Act* may execute an attachment or perform other service. "Judge." "Bailiff."

**3.** Any person performing any labour, service or services in connection with any logs or timber in the districts of Algoma, Thunder Bay, and Rainy River, shall have a lien thereon for the amount due for such labour, service or services, and the same shall be deemed a first lien or charge on such logs or timber, and shall have precedence of all other claims or liens thereon, except any lien or claim which the Crown may have upon such logs or timber for or in respect of any dues or charges, or which any timber slide company or owner of slides and booms may have thereon for or in respect of tolls. Lien for labour on logs or timber.

**4.—(1)** The lien provided for in section 3 shall not attach or remain a charge on the logs or timber unless and until a statement thereof in writing, verified upon oath by the person claiming such lien or some one duly authorized on his behalf, shall be filed in the office of the clerk of the district court of the district in which the labour or service or some part thereof has been performed. Provided that when such labour or services have been performed upon any logs or timber got out to be run down or run down any of the rivers or streams flowing into the Georgian Bay, Lake Huron, Lake Superior, Lake of the Woods, Rainy Lake or Rainy River or Pigeon River, such statement may, at the option of the claimant, be filed in the office of the clerk of the district court in the district wherein the drive terminates or reaches the waters of the lakes, bays or rivers hereinbefore specifically named. Lien to attach on statement being filed in district court. Proviso.

(2) Where the right to take proceedings under this Act to enforce any lien, arises in the District of Rainy River, the statement of claim may be filed in the office of the deputy clerk Clerk of Court at Rat Portage.

clerk of the district court at Rat Portage, and the expression "clerk of the court," "clerk of the district court," or "clerk" in this Act shall be deemed to include the deputy clerk of the district court at Rat Portage.

Statement of  
lien.

5. Such statement shall set out briefly the nature of the debt, demand or claim, the amount due to the claimant as near as may be, over and above all legal set-off's or counterclaims, and a description of the logs or timber upon or against which the lien is claimed, and may be in the form set out in the schedule to this Act or to the like effect.

When state-  
ment to be  
filed.

6. If such labour or services be done between the 1st day of October and the 1st day of April next thereafter, the statement of claim shall be filed on or before the 20th day of April next thereafter, but if such labour or services be performed or done on or after the 1st day of April and before the 1st day of October in any year, then such statement shall be filed within twenty days after the last day such labour or services were performed. Provided that no sale or transfer of the logs or timber upon which a lien is claimed under this Act during the time limited for the filing of such statement of claim and previous to the filing thereof, or after the filing thereof and during the time limited for the enforcement thereof, shall in anywise affect such lien but such lien shall remain and be in force against such logs or timber in whosoever possession the same shall be found.

Proviso.

Enforcement  
of liens by  
suit in district  
or division  
courts.

7—(1) Any person or persons having a lien upon or against any logs or timber may enforce the same by suit, where the claim does not exceed \$200, in the division court within whose jurisdiction the said logs or timber or any part thereof may be situated at the time of the commencement of the suit, or where the claim exceeds \$200, in the proper district court where such statement of lien is filed, and such suit may be commenced to enforce such liens, if the same be due, immediately after the filing of such statement, or if credit has been given immediately after the expiry of the period of credit, and such lien claim shall cease to be a lien upon the property named in such statement unless the proceedings to enforce the same be commenced within 30 days after the filing of the statement of claim, or after the expiry of the period of credit. In all such suits the person, company or corporation liable for the payment of such debt or claim shall be made the party defendant.

Practice and  
Procedure.

(2) There shall be attached to or endorsed upon such writ or summons a copy of the lien claim filed as hereinbefore provided and no other statement of claim shall be necessary unless ordered by the court or judge, and no pleadings or notices of dispute or defence other than such as are required in a suit or proceeding in the division court shall be necessary whether the suit be brought

brought in the district or division court. In case no dispute is filed, judgment may be signed and execution issued according to the practice of the division court. The court or judge may order any particulars to be given or any proper or necessary amendments to be made, or may add or strike out the names of parties at any time and may set aside judgment and permit a defence or dispute to be entered or filed, on such terms as to him shall appear proper. The writ shall be in the form as nearly as may be of that in use in the court in which it is issued, but the practice thereafter shall follow as nearly as may be that of the division court. Writs may be served anywhere in the Province in the same manner as in other cases, and the judgment shall declare that the same is for wages, the amount thereof and costs, and that the plaintiff has a lien therefor on the property described when such is the case.

(3) Where an execution has issued and has been placed in the sheriff's hands for execution and no attachment has been issued, the proceedings for the enforcement of the lien shall be by sale under the execution, and the proceedings relating to proof of other claims and the payment of money into court and the distribution of the moneys and otherwise shall, as far as practicable, be the same as is hereinafter provided for proceeding upon and subsequent to an attachment. Procedure subsequent to execution.

(4) Where an attachment issues in the first instance, either from the district court or division court, the statement of claim and defence and proceedings to judgment may be the same, as hereinbefore provided, where a suit has been begun by writ or summons and where an attachment issues after proceedings have been begun by writ or summons the proceedings shall continue and be carried to judgment under the writ or summons, except such as are necessary to be taken under the attachment. Procedure where attachment issues.

(5) The form of attachment shall be as nearly as may be the same as are in use in the district courts or division courts. The district judges and stipendiary magistrates of said districts, or a majority of them, may jointly prepare and adopt forms of writs, summons, attachments and other forms for the more convenient carrying out of the provisions of this Act. Form of attachment.

(6) In any case, whether commenced by writ or summons or attachment, and whether in a division or district court, the judge may direct that the same shall be disposed of summarily by him in chambers without waiting for the regular sittings of the court, upon such terms as to notice and otherwise as the order shall provide, and the same may be so heard and disposed of. Summary disposal of cases.

(7) The judge may also entertain in chambers any application to set aside an attachment or seizure or to release logs that have been seized, and may summarily dispose of the same. Applications in chambers.



When attachment to issue from division court.

8. Where the amount of any claim, filed as aforesaid does not exceed \$200, and is not less than \$10, upon the production and filing of a copy of such claim and affidavit and of an affidavit made and sworn by the claimant of the amount of the claim due and owing, and showing that the same has been filed as aforesaid and stating that

(a) He has good reason to believe and does believe that the logs or timbers are about being removed out of the Province of Ontario, or

(b) That the person indebted for the amount of such lien has absconded from the Province, with intent to defraud or defeat his creditors, or

(c) That the saw logs or timber are about being cut into lumber or other timber so that the same cannot be identified,

(d) And that he is in danger of losing his said claim, if an attachment do not issue, and if affidavits corroborating the affidavit of the plaintiff in respect of paragraphs (a), (b) or (c), be also filed, then the clerk of the proper division court shall issue a warrant under his hand and seal as in the case of an attachment under section 249 of *The Division Courts Act*, directed to the bailiff of the division court commanding such bailiff to attach, seize, take and safely keep such logs or timber, or a sufficient portion thereof to secure the sum mentioned in the warrant, and the costs of the suit, and of the proceedings to enforce the lien, and to return the warrant forthwith to the court out of which the same issued.

When attachment to issue out of district court.

9—(1) Where the amount claimed exceeds \$200 the clerk of the district court in which the statement of claim and affidavit proving the same is filed, after the filing of a copy of such claim and affidavit the clerk of the district court of the district where the action may be brought, shall upon the filing of an affidavit or solemn affirmation made by the claimant and showing such facts as will authorize the issue of an attachment under the preceding section and such affidavits in corroboration as is provided in the preceding section, issue a writ of attachment directed to the sheriff of the district commanding him to attach, seize and take and safely keep the said logs or timber or such portion of them as may be necessary to satisfy the amount claimed and the costs of the suit and of the proceedings to enforce the lien.

(2) Where additional claims are made, or the amount of claim is increased, or a sufficient seizure has not been made, a second or subsequent seizure may be made either under execution or attachment.

Warrant or writ to be served on defendant and owner of the logs.

10.—(1) The said warrant or writ of attachment shall also where no writ or summons has issued, summon the defendant to appear before the district court or division court out of which the attachment has issued, and a copy of the writ of attachment shall be served upon the defendant, and if the defendant

defendant in such attachment is not the owner of the logs or timber described in the warrant or writ then a copy of the writ shall also be served upon the owner of said logs or timber or upon the person or agent in whose possession, custody or control they may be found for him.

(2) Where the defendant or owner of the logs or timber cannot be found within the district, and there is no one in possession of the logs or timber, then a copy of the warrant or writ of attachment shall be forwarded to the sheriff of any county or district or the bailiff of any division court, in the Province of Ontario, within whose shrievalty or jurisdiction, the defendant and owner or either of them, as the case may be, resides or may be found, and such copy of the warrant or writ of attachment may be served by such sheriff or bailiff upon such defendant or owner of the logs or timber. The owner may, on his own application, or by direction of a judge, be made a party-defendant at trial.

(3) In case the defendant or owner cannot be found within the Province, or the owner cannot be ascertained and no agent or person is in possession for the owner, the writ or warrant may be served in such manner as the judge shall by order direct, but when the writ is served upon an agent or other person in possession as aforesaid, the order of the judge allowing the said service shall be necessary.

(4) Where the service has not been personal upon either the defendant or owner, and where a proper defence has not been made, the judge may, in his discretion, admit them or either of them to make full defence and may make such order in the premises as may be reasonable and just to all parties.

(5) The sheriff or bailiff shall, before making any service, be entitled to demand the payment of a sum sufficient to cover the amount of his necessary disbursements in effecting the same.

**11.** No sheriff, or bailiff shall seize upon or detain any logs or timber under the provisions of this Act when in transit from the place where cut to the place of destination when such place of destination is within any of the said districts in which proceedings have been commenced, but in case such logs or timber are so in transit or are in the possession of any booming company or other person or corporation for the purpose of being driven or sorted and delivered to the owners or to satisfy any statutory lien, then attachment of said logs or timber may be made by serving a copy of said attachment upon the person or corporation driving or holding the same, who shall from the time of such service be deemed to hold the same both on their own behalf and for the said sheriff or bailiff to the extent of the lien, until the logs or timber can be driven and sorted out; and when driven or sorted out, the sheriff or bailiff may receive the said logs or timber from such person or corporation,

tion, and the statutory lien of such person or corporation shall not be released by the holding of such sheriff or other officer.

Rev Stat.  
c. 121.

(2) The claimant or plaintiff in any suit and the sheriff or bailiff or other officer shall, when necessary, be entitled, under order of the judge, to take any proceedings which the owner of any logs may take under the Act known as *The Saw Logs Driving Act* for the purpose of procuring the separation of any logs so seized by the sheriff or other officer under this Act from other logs with which they have become intermixed, or a sale may be made without such separation if the judge so directs.

Sheriff or  
bailiff to re-  
store posses-  
sion upon exe-  
cution of  
bond.

**12.** In case of an attachment, if the owner of said logs or timber or any person in his behalf shall execute and file with the clerk of the court out of which the attachment has issued a good and sufficient bond to the person claiming the lien, executed by two sureties and approved by the said clerk and conditioned for the payment of all damages, costs, charges, disbursements and expenses that may be recovered by the claimant in such proceedings, together with the amount for which a lien is claimed in any other suit, if any, the clerk shall issue an order to the sheriff or bailiff having in charge the logs or timber directing their release, and upon service of such order upon the sheriff or bailiff he shall release the same.

Persons served  
with attach-  
ment to enter  
notice of dis-  
pute.

**13.** Any person who shall have been served with a copy of the warrant or writ of attachment under the preceding sections, and who may desire to dispute the same shall within 14 days after such service enter in the court in which proceedings are pending a notice that he or they dispute the claim upon the lien in whole or in part.

If no notice of  
dispute enter-  
ed judgment  
may be enter-  
ed.

**14.** If no notice of dispute be entered under the preceding section judgment may be entered as in the case of default, and the practice or procedure may be the same as in a suit begun by writ or summons.

Persons served  
with attach-  
ment may pay  
amount claim-  
ed into court.

**15.** The defendant may, at any time after service of the writ or attachment and before the sale of the logs or timber, pay into court the amount for which a lien is claimed in the suit, together with the amount for which a lien is claimed in any other suit (if any), together with costs of the proceedings thereon to the date of such payment taxed by the clerk of the court if so required, and the person making such payment shall thereupon be entitled to a certificate vacating the said lien; and upon said certificate being filed with the clerk of the district court in which the original statement of claim was filed, the said lien shall be vacated and all further proceedings thereon shall cease, and the person making such  
payment



payment shall further be entitled to an order directing the delivery up of the logs or timber seized under the attachment, or the cancellation of any bond given under section 12 of this Act.

**16.**—(1) After the expiration of the time hereinbefore named within which notice of dispute may be entered, the judge shall, upon the application of the claimant, issue an appointment naming a day upon which all persons claiming a lien on the logs or timber shall appear before the judge in person or by their solicitor or agent, for the adjustment of their claims and the settlement of accounts, and the said appointment shall be served upon the defendants and upon the owner, if the judge so directs and shall also, if the judge so directs, be published once a week for two weeks before the day named in said appointment in a newspaper published in the district in which proceedings are pending if a newspaper be published therein, and if not then in a newspaper published in an adjoining district.

Day to be fixed by advertisement for hearing parties interested, taking accounts, etc.

(2) Provided further that a copy of such appointment shall be mailed by registered letter to every holder of a claim known to the plaintiff as such holder at least two weeks before the day named in the appointment, directed to the post office address of such claimant where the same is known, and if not known then to his last known address.

Appointment to be mailed to lienholders.

**17.**—(1) Upon the day named in the said appointment and advertisement the persons served with a copy thereof and all other persons claiming a lien on the said logs or timber who have prior to the said date filed with the clerk of the court a notice claiming such lien on the said logs or timber and stating the nature and amount of such claim, shall attend before the judge or stipendiary magistrate named in the appointment and advertisement.

Parties filing notices of disputes or claims to attend on day named in appointment.

(2) Where claims are brought in pursuant to notice they may be established *prima facie* by affidavit, but any party interested shall be at liberty to cross-examine the deponents, and may require that the claim be established in open court as in other cases.

**18.** The judge shall hear all parties and take all accounts necessary to determine the amounts, if any, due to them or any of them or of any other holders of liens who may be called by the judge to prove their lien, and shall tax to them their costs, and determine by whom the same shall be payable, and settle their priorities and generally determine all such matters as may be necessary for the adjustment of the rights of the several parties.

Judge to hear all parties, take accounts, etc.

Order to be made by judge at conclusion of enquiry.

**19.** At the conclusion of the enquiry the judge shall make his report and order which shall state his findings and direct the payment into the court in which proceedings are pending of the amounts, if any, so found due and the costs, within ten days thereafter and in default of such payment that the logs or timber shall be sold by the sheriff or bailiff, for the satisfaction of the amounts found due to the several parties upon the enquiry and costs.

In default of payment into court logs or timber to be sold.

**20.**—(1) In default of payment into court under the preceding section within the time named in the order therefor the said logs or timber shall within twenty days thereafter be sold by the sheriff or bailiff holding the same, in the same manner and subject to the same provisions of law as goods seized or taken in execution, unless the judge shall direct that additional publicity be given to the sale, and the amount realised by such sale shall, after deducting the expenses thereof payable to the sheriff or bailiff, be paid into the court in which the proceedings are pending and shall, upon the application of the several parties found to be entitled thereto under the order of the judge be paid out to them by the clerk of the said court.

Judge to apportion.

(2) Provided where the amount realized upon the sale shall not be sufficient to pay the claims in full and costs, the judge shall apportion the amount realized pro rata among the different claimants.

Certificate of balance due after distribution to be entered as a judgment.

**21.** If after such sale and distribution of the proceeds thereof under the preceding section any balance shall remain due to any person under the said order of the judge or stipendiary magistrate the clerk of the court shall upon application of such person give to him a certificate that such amount remains due, which certificate may be entered as a judgment in the district or division court having jurisdiction, against the person or persons by whom the claim was directed to be paid, and execution may be issued thereupon as in the case of other judgments in the district or division courts.

Where nothing found due on enquiry, lien to be discharged.

**22.** Where nothing shall be found due upon the several claims filed under section 17 of this Act or upon the lien or liens with respect to which proceedings have been taken, the judge may direct by his said order that the lien or liens be discharged and the logs or timber released or security given therefor delivered up and cancelled, and shall also by such order direct payment forthwith of any costs which may be found due to the defendant or the owner of the said logs or timber.

Costs.

**23.**—(1) Where the taxed costs, exclusive of necessary disbursements, of the proceedings to enforce any lien under this Act which are payable out of the amount realised by the

the proceedings for the satisfaction of the lien shall exceed twenty-five per cent. of the amount so realised such costs upon application by any party to the proceedings interested in the payment thereof, may be reduced by the judge, so that the same shall not in the aggregate exceed the said twenty-five per cent. and no more costs than such reduced amount shall be recovered between party and party or solicitor and client.

(2) The costs in addition to actual and necessary disbursements which may be taxed to any claimant proving an uncontested claim under this Act, shall not exceed the following: Where there is no contest the sum of five dollars (if a solicitor is employed). Where the amount claimed is within the jurisdiction of the division court, two dollars (where a solicitor is employed). In case of a contest (where a solicitor is employed) such additional costs, if any, as the judge may allow to be taxed according to the scale of the district court or division court according as the amount in dispute is within the jurisdiction of one or other of these courts, but in no case to exceed ten dollars, exclusive of disbursements, when taxed on the district court scale, or five dollars, exclusive of disbursements, when taxed on the division court scale, but where the claim does not exceed \$50, then not to exceed three dollars.

(3) Subject to the provisions of sub-section 1 of this section, where not otherwise provided herein, the costs to be taxed to any party shall, as far as possible, be according to the tariff of costs in force as to other proceedings in the court in which proceedings under this Act have been taken.

**24.**—(1) Where more money shall be paid into court as the proceeds of the sale of logs or timber than shall be required to satisfy the liens which shall be proved and interest and costs, if any creditor or creditors shall after the payment of such liens give to the judge a notice that he is a creditor and seeks payment of his claim out of said moneys, the judge shall, upon application of any such creditor, direct that such remaining moneys shall be paid over to the sheriff of the district who shall hold and distribute the same as in the case of moneys realized and held by him under *The Creditors' Relief Act*, and all parties having claims may take the like proceedings as those provided by section seven and subsequent sections of *The Creditors' Relief Act* for proof of claims and obtaining certificates and executions therefor.

Disposition of  
balance after  
sale and satis-  
faction of  
liens.

Rev. Stat.  
c. 65

(2) In case no such notice is given to the judge within thirty days after the day fixed by the order for payment over to the claimants of the amount of their lien and costs, the judge may order the payment out of court of any remaining moneys to the part entitled to the same.



Dismissal  
proceedings  
for want of  
prosecution.

**25.**—(1) Any person affected by proceedings taken under this Act may apply to the judge to dismiss the same for want of due prosecution, and the judge or stipendiary magistrate may make such order upon the application as to costs or otherwise as may be just.

Adding  
parties.

(2) The judge may at any stage of such proceedings, on application of any party, or as he may see fit, order that any person who may be deemed a necessary party to any such proceeding, be added as a party thereto, or be served with any process or notice provided for by this Act, and the judge may make such order as to the costs of adding such person or corporation, or as to such service as may be just.

Other  
remedies not  
affected.

**26.** Nothing in this Act contained shall be deemed to dis-entitle any person to any other remedy than that afforded by this Act for the recovery of any amount due in respect of labour or services performed upon or in connection with any logs or timber and where a suit is brought to enforce a lien, but no lien shall be found due, judgment may be directed for the amount found due as in an ordinary case.

Any number  
of lien-holders  
may join in  
proceedings.

**27.** Any number of lien holders may join in taking proceedings under this Act, or may assign their claims to any one or more persons, but the statement of claim to be filed under section 4 shall include particular statements of the several claims of persons so joining and shall be verified by the affidavits of such persons so joining, or separate statements of claim may be filed and verified as by this Act provided, and one attachment issued on behalf of all the persons so joining.

Transfer of  
suit from  
division court—  
where proceed-  
ings taken in  
district court.

**28.** Where proceedings have been commenced under this Act in the district court, and proceedings are thereafter brought or are pending against the same logs or timber, or any part of them, in a division court, the judge of the district court may order the proceedings in the division court to be adjourned before him, and shall in his inquiry as hereinbefore mentioned include the claims in respect of which proceedings are pending in such division court, and thereafter all persons who shall have filed claims in said division court shall be entitled to prove such claims and to share in the benefits of the proceedings in the district court.

Where suits  
in several  
courts.

**29.** Where suits are brought in several district courts or in several division courts, the procedure under sections 16, 17, 18 and 19 shall be had in the district or division court, as the case may be, out of which an execution or attachment first issued, unless the judge shall otherwise order.

Practice.

**30.** The procedure regulating the practice in actions brought in the district courts or in division courts, in the said districts, shall, so far as they are not inconsistent with this Act, regulate proceedings taken under this Act.

## PAYMENT OF WAGES.

**31** No payment of wages shall be made or offered to any person for any labour or services performed upon or in connection with any logs or timber, in the said districts by any cheque, order, I.O.U., bill of exchange promissory note, or other undertaking, other than bank notes or bills, drawn upon or payable at or within any place or locality not within the Province of Ontario. Illegal payments.

**32.** Any person violating, or who shall direct or knowingly suffer his agent or servant to violate the provisions of section 31 of this Act, shall, upon conviction thereof, be liable to a penalty of not less than \$5 and not more than \$20, to be recovered by summary proceedings before a stipendiary or police magistrate or justice of the peace, under *The Act Respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*. Penalties. Rev. Stat. c. 74.

**33.** No payment made or offered to be made in violation of section 31 of this Act, shall be allowed as a defence in any action or proceeding for the recovery of wages, or be given or received in evidence thereon, nor shall any such payment or offer of payment in any way affect any claim of lien for labour or services on logs or timber under this Act, but in case of the payment in whole or in part, or sale, or transfer of such paper writing or instrument by the payee, the sum received by him shall be held and treated as payment or payments on account. Illegal payments not to be allowed as a defence in any action.

**34.** This Act shall come into force on the 1st day of July, 1891. Commencement of Act.

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SCHEDULE.

(Section 5.)

## STATEMENT OF CLAIM OF LIEN.

A. B., (name of claimant) of (here state residence of claimant), (if so, as assignee of state name and address of assignor) under *The Woodman's Lien for Wages Act*, claims a lien upon certain logs or timber of (here state the name and residence of the owner of logs or timber upon which the lien is claimed if known) upon the logs and timber composed of (state the kinds of logs and timber such as pine, sawlogs, cedar or other posts or railway ties, shingle bolts or staves, etc., also where situate at time of filing of statement) in respect of the following work, that is to say, (here give a short description of the work done for which the lien is claimed) which work was done for (here state the

*the name and residence of the person upon whose credit the work was done)* between the                      day of                      and the  
    day of  
 at                      (per month or day as case may be).

The amount claimed as due (or to become due) is the sum of                      (when credit has been given, the said work was done on credit, and the period of credit will expire on the                      day of                      ).

Dated at                      this                      day of                      A.D.  
    (Signature of Claimant)

#### AFFIDAVIT TO BE ATTACHED TO STATEMENT OF CLAIM.

I                      make oath and say that I have read (or have heard read) the foregoing statement of claim, and I say that the facts therein set forth are, to the best of my knowledge and belief, true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me in giving credit for all sums of money for goods or merchandise to which the said (*naming the debtor*) is entitled to credit as against me.

Sworn before me at                      in the district }  
 of                      this                      day of }  
    A.D., 18

A Commissioner.

## CHAPTER 23.

An Act to further amend the law respecting the  
 Solemnization of Marriages.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of  
 the Legislative Assembly of the Province of Ontario  
 enacts as follows:—

Short title.

1. This Act may be cited as "*The Marriage Amendment Act, 1891.*"

Rev Stat., c  
 31, s. 20, re-  
 pealed.

2. Section 20 of the *Act respecting the Solemnization of Marriages* is hereby repealed, and the following section enacted in lieu thereof:—

Marriages in  
 Society of  
 Friends.

20. Every marriage duly solemnized according to the rites, usages and customs of the religious society of Friends commonly called Quakers, shall be valid; and all the duties imposed by the *Act respecting the Solemnization of Marriages* or by the *Act respecting the Registration of Births Marriages*,

Rev. Stat.  
 131.  
 Rev. Stat.  
 40.



*Marriages and Deaths*, upon a minister and clergyman, shall, with regard to such marriage, be performed by the clerk or secretary of the society, or of the meeting at which the marriage is solemnized. Provided always that nothing herein contained shall be construed as requiring the marriage to be celebrated or solemnized by such clerk or secretary. Proviso.

3. Any marriages, which, before the passing of this Act have been solemnized in this Province, according to the rites, usages and customs of the religious society of Friends commonly called Quakers, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid marriages so far as respects the civil rights in this Province of the parties, or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature. Marriages heretofore solemnized in Society of Friends.

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action before the 10th day of February, 1891, and Proviso.

Provided further that nothing in this Act shall make valid any such marriage in case either of the parties thereto has since contracted matrimony according to law; and in such case the validity of the marriage shall be determined as if this Act had not been passed. Proviso.

4. Whereas it appears that in the religious society called the Salvation Army there are official persons known as commissioners and staff-officers, whose position and duties in the said society are substantially the same as those of clergymen and ministers in the churches and religious denominations mentioned in the first section of the *Act respecting the Solemnization of Marriages*, the said Act and the *Act respecting the Registration of Births, Marriages and Deaths* shall hereafter apply to the said religious society; and any duly appointed commissioner or staff-officer of the society, being a man, chosen or commissioned by the said society to solemnize marriages, and resident in Canada, shall have for the time being the same authority for that purpose as a clergyman or minister under the said Act. Marriages in Salvation Army.  
Rev. Stat., c. 131.  
Rev. Stat., c. 40.

(2.) All the duties imposed upon and rights given to clergymen and ministers by the said Acts are hereby imposed upon and given to such commissioners and staff-officers aforesaid.

5. The word "pre-contract" in the *Act respecting the Solemnization of Marriages*, and in the schedules thereto, means, and has always meant "prior marriage," and the words "prior marriage" may be substituted for the word "pre-contract" in any affidavit or bond hereafter made or entered into under the said Act. Meaning of "pre-contract" in Rev. Stat. c. 131.

## CHAPTER 24.

## An Act to amend the Act respecting Master and Servant.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 139, s. 12,  
amended.

1. Section 12 of the *Act respecting Master and Servant* is amended by striking out the words "twenty-one days" where they occur in the 16th line of said section and inserting in lieu thereof the words "eight days."

## CHAPTER 25.

## An Act to amend the law as to Barristers and Solicitors in certain cases.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Minister of  
Justice may be  
called to  
Ontario bar.

1. Any person who is, has been, or shall be, Minister of Justice of Canada, if not already a member of the bar of Ontario, shall be entitled to be called to the bar by the benchers of the Law Society of Upper Canada without complying with any of the rules or regulations of the society as to admission on the books of the society, examinations, payment of fees or otherwise, and shall thereupon be entitled to practise at the bar in Her Majesty's courts in Ontario.

Issue of certificates of fitness to barristers in certain cases.

2. The benchers of the Law Society may in their discretion grant to any person who has been called by the Law Society to the degree of barrister-at-law prior to the 1st day of January, 1891, and who passes the usual examination prescribed for admission to practice as solicitor, and who pays the usual fees in that behalf, a certificate under the corporate seal of the society of his fitness and capacity, and that he is in all respects duly qualified to be admitted as a solicitor; and upon the production of such certificate to one of the judges of the High Court, and his fiat of admission being endorsed thereon; the High Court may cause such person to be admitted and enrolled as a solicitor, as provided in section 11 of the *Act respecting Solicitors*.

Rev. Stat. c.  
147.

## CHAPTER 26.

## An Act to amend The Ontario Medical Act.

[Assented to 4th May, 1891,

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 19 of *The Ontario Medical Act* is repealed and the following substituted therefor :—

Rev. Stat. c. 148, s. 19, repealed.

19 Graduates in Arts in any university in Her Majesty's Dominion shall not be required to pass the preliminary examination. Provided always that where the council of the College of Physicians and Surgeons adopts a lower standard for matriculation than graduation in arts, such standard shall conform to the curriculum of the universities in the Province for the academic year to which such standard applies, or to the course of study prescribed for junior or senior matriculation in arts, or to the examinations prescribed by the Department of Education for the leaving examinations of high schools.

Graduates of universities in Her Majesty's Dominions.

2. Section 48 of the said Act is amended by inserting after the word "he" at the end of the fourth line thereof, the words "produces to the court a certificate that he."

Rev. Stat. c. 148, s. 48, amended.

3. Sub-section 1 of section 35 of the said Act is amended by striking out the words "a judge or of a court of competent jurisdiction" in the fifth and sixth lines thereof and inserting in lieu thereof the words "any of the Divisions of the High Court of Justice."

Rev. Stat. c. 148, s. 35, sub-s. 1, amended.

4. Sub-section 1 of section 36 of the said Act is amended by striking out the words "as to the facts therein stated" in the 7th line thereof.

Rev. Stat. c. 148, s. 36, sub-s. 1, amended.

5. Section 37 of the said Act is amended by striking out the word "judge" in the sixth line thereof and inserting the word "division" in lieu thereof.

Rev. Stat. c. 148, s. 37, amended.

6. Section 38 of the said Act is amended by adding at the end thereof the words "upon payment of the sum of five cents per folio."

Rev. Stat. c. 148, s. 38, amended.

7. The said Act is amended by inserting therein the following as sections 38a and 38b :—

Rev. Stat. c. 148, amended.

38a Upon any inquiry under section 34 of this Act either party may without leave or order obtain and issue from and out of any Division of the High Court of Justice for Ontario a subpoena

Evidence before committee for erasing and restoring names.



subpoena commanding the attendance and examination of any witness and also the production of any documents, production of which could be compelled at a trial, to and before the committee and at the time and place mentioned in the subpoena and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required shall be entitled to the like conduct money and payment of expenses and for loss of time as for and upon attendance at a trial.

Costs of proceedings.

38b In case of the erasure of a name under the preceding provisions of this Act the council may direct the costs of, and incidental to such erasure to be paid by the party whose name has been directed to be erased, which costs shall first be taxed by one of the taxing officers of the High Court upon whose certificate execution may issue for the collection of such costs by the college, out of any of the Divisions of the High Court as upon a judgment in an action in such court.

Rev. Stat., c. 148, amended.

8. The said Act is amended by inserting therein the following as section 41a :—

Medical practitioners to take out annual certificates.

41a—(1) Every registered medical practitioner shall obtain from the registrar, annually before the last day of December in each year, a certificate under the seal of the college, that he is a duly registered medical practitioner.

Issue of certificate.

(2) Upon payment of all fees and dues payable by such medical practitioner to the said college the registrar shall write his name on the margin of the certificate and the date thereof and the certificate shall be deemed to be issued only from such date, provided, nevertheless, that any fees properly charged during the time in which any practitioner's name was erased from the register, under this Act, shall be legally recoverable upon production of the certificate of registration at the time of suit.

Certificate not to issue until fees paid.

(3) No certificate shall be issued to any practitioner who is indebted to the college for any sums payable to the college, nor until the annual fee for such certificate prescribed by the statute and the by-laws of the college is paid.

Penalty for not taking out annual certificate.

(4) If a practitioner omits to take out such annual certificate he shall not be entitled thereto until he pays to the college the certificate fee as aforesaid together with any other fees or dues which he owes to the college.

Erasure of name where default made for 12 months.

(5) After twelve months default in taking out such certificate, and if two months notice of such default be given by registered letter addressed to the registered address of such defaulter, the registrar shall, if payment has not been made by the defaulter, erase the name of the medical practitioner so in default from the register, and the provisions of this Act as to unregistered medical practitioners shall forthwith apply.

(6) Such medical practitioner may, unless otherwise disqualified under this Act, at any time after his name is so erased by the registrar, obtain re-registration by applying to the registrar and paying up the fees and dues due the college, under this Act, and taking out his certificate as herein provided and be thereupon re-instated to the full privileges enjoyed by other registered medical practitioners under this Act.

Re-registration upon payment of arrears.

9. Section 22 of the said Act is repealed and the following substituted therefor :—

Rev. Stat. c. 148, s. 22, repealed.

22. It shall be the duty of the registrar to keep the register correct and in accordance with the provisions of this Act, and the orders and regulations of the council, and to erase the names of all registered persons who shall have died, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act, and to enable the registrar duly to fulfil the duties imposed upon him, it shall be lawful for the registrar to write a letter to any registered person, addressed to him according to his address on the register, to enquire whether he has ceased to practice or has changed his residence, and if no answer shall be returned to such letter within the period of six months from the sending of the letter, it shall be lawful to erase the name of such person from the register ; provided always that the same shall be restored to the register on compliance with the other provisions of this Act.

Registrar to keep register correctly.

## CHAPTER 27.

### An Act for the relief of Medical Practitioners in the Rainy River District.

[Assented to 4th May, 1891.]

WHEREAS by the Act respecting certain unorganized districts of the Province, any solicitor or attorney authorized to practice as such in any Province of Canada, who was practising in the Rainy River District before the date of the Order of Her Majesty in Council with respect to the western boundary of the Province, should be entitled to practise without the usual conditions, and it is expedient to extend the said privilege to any medical practitioner authorized and resident as hereinafter mentioned ;

Preamble.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any legally qualified medical practitioner according to the laws of the Province of Manitoba, who was residing and practising in the territory now constituting the Rainy River district

Manitoba practitioners in Rainy River before settlement of district

boundary to be  
entitled to  
registration.

Rev. Stat. c.  
148.

District at and before the date of the Order of Her Majesty in Council with respect to the westerly boundary of this Province and who still resides in the said district, shall, upon production of a certificate of qualification to practise medical surgery and midwifery from "The College of Physicians and Surgeons of Manitoba," be entitled to be registered as a practitioner of medicine, surgery and midwifery in the said district, in accordance with *The Ontario Medical Act*, without the payment of fees or examination prescribed by said Act, and subject to the payment of the annual assessment under said Act, and also to the other conditions and regulations applicable to the medical profession in Ontario.

## CHAPTER 28.

### An Act to amend the Act respecting Dentistry.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 150, ss. 17  
and 18 re-  
pealed.

1. Sections 17 and 18 of the *Act respecting Dentistry* are repealed and the following substituted therefor:—

Annual  
examinations.

17—(1) The Board once at least in every year, at a time or times to be fixed by the Board, shall cause to be held an examination of the candidates for certificates and titles which the Board has authority to grant.

Examinations  
oral or in  
writing.

(2) At every such examination the candidates shall be examined by examiners to be appointed for the purpose by the Board, and the candidates shall be examined orally or in writing or otherwise in the subjects which the Board consider the most fitting for such examination.

Fees of exam-  
iners.

(3) The examiners shall receive such remuneration as may be fixed by the Board.

Declaration to  
be made by  
examiners.

(4) Each examiner, by acceptance of his appointment as such, shall become bound by the terms of the following declaration, and shall, if required, sign the same in presence of the president, vice-president or secretary of the Board.

Form of  
declaration.

"I solemnly declare that I will perform my duty of examiner without fear, favour, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all."

Annual meet-  
ing for grant-  
ing licenses.

18—(1) The Board shall hold at least one meeting in each year in the city of Toronto, at such place as may from time to time be fixed by the Board, for the purpose of granting certificates of license and doing such other business as may properly come before them. The said meetings shall be held

at



at such times as the Board may appoint, and shall continue from day to day until the business before the Board is finished; but no meeting shall continue for more than one week.

(2) Every person desirous of being examined, touching his qualifications for the practice of the profession of dentistry, shall at least one month before such examination pay into the hands of the treasurer the required fees, and enclose and deliver to the secretary the treasurer's receipt for the same, together with satisfactory evidence of his apprenticeship and compliance with the rules and regulations from time to time prescribed by the Board, and of his integrity and good morals.

Candidates to pay fees before examination.

## CHAPTER 29.

### An Act to amend The Pharmacy Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of the College of Pharmacy may, notwithstanding anything contained in *The Pharmacy Act* or in the Act amending the same, passed in the 52nd year of Her Majesty's reign, chaptered 25, enter and register on the roll as a member of the Ontario College of Pharmacy any person who under and by virtue of section 15 of the Act passed in the 47th year of Her Majesty's reign chaptered 22, was entitled to be entered and registered on said roll, but who through inadvertence or want of knowledge failed to apply to the said council within the time prescribed by the said section 15, upon production to the registrar or to the council of said college of Pharmacy of such evidence as being so entitled as the council may require and upon payment of the fees for registration prescribed by *The Pharmacy Act*. Provided that applications for such registration be made within twelve months from the passing of this Act.

Council of College of Pharmacy empowered to admit certain persons.

Rev. Stat. c. 151.  
Proviso.

## CHAPTER 30.

### An Act respecting the Chartered Stenographic Reporters' Association of Ontario.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Stenographic Reporters' Act*.

Short title.  
2

Chartered  
Stenographic  
Reporters'  
Association  
of Ontario  
incorporated.

2. All persons who shall cause their names to be registered under the provisions of this Act, shall be and are hereby constituted a body politic and corporate under the name and style of "The Chartered Stenographic Reporters' Association of Ontario" (hereinafter called the Association), having a perpetual succession and a common seal.

Corporate  
powers.

3. The Association shall have power to acquire, hold and dispose of personal property and real estate for the purposes of this Act, and to sue and be sued in the manner usual with such corporations; provided always that the Association shall only have power to acquire and hold such real estate as shall not at any time exceed an annual value of \$5,000.

Educational  
powers.

4.—(1) The Association is hereby empowered to promote and increase by all lawful ways and means the knowledge, skill and proficiency of its members in all things relating to the business or calling of a stenographer, and to that end to establish classes, lectures and examinations and prescribe such tests of competence, fitness and moral character as may be thought expedient to qualify for admission to membership, and to grant diplomas and certificates of efficiency, and to authorize its members to use the distinguishing title "Chartered Stenographic Reporter" or the letters C. S. R. (Chartered Stenographic Reporter of Ontario) as a guarantee of competency.

Organization  
and examina-  
tion of  
students.

(2) The Association may also prescribe for students of stenography, who may desire to become members of the Association, such examinations, and may grant to them such certificates of competency as it sees fit; and may organize the said students into a society in affiliation with itself for study and mutual improvement.

Power to  
make by-laws.

5. The Association, in general or special meeting assembled after due notice, may make by-laws for carrying out its objects, and may vary, alter or repeal the same from time to time; and after the first set of by-laws has been made no new one shall be made, nor shall any by-law be altered or repealed except by a two-thirds vote of the members present at a meeting of the Association, and only after at least two weeks notice of the proposed alteration or repeal shall have been given to each member of the Association.

Officers of the  
association.

6. The affairs, business and concerns of the Association shall be managed by a council of nine, who shall be appointed and elected in the manner hereinafter provided; immediately at the close of the annual meeting at which the vacancies caused by the retirement of members of the council have been filled the council shall meet and choose from among themselves a president, a vice-president, a secretary, a treasurer and such

such other officers as may be provided for by the by-laws. In the event of the president's office becoming vacant, the vice-president shall become president of the Association for the remainder of the term. All other vacancies among the officers or the members of the council shall be filled by the council; and the council shall have power to remove from office any officer for misconduct or other just cause, and to appoint his successor for the remainder of the term.

7.—(1) The council may fix an entrance and an annual fee Entrance and annual fees, or subscription to be paid by all members to the Association, and may vary the amount from time to time; and no member shall be personally liable for any debt of the Association beyond the amount of his unpaid fees or subscription as aforesaid.

(2) The council may also prescribe examination fees, to be Examination fees, paid by all applicants for examination.

8.—(1) The council shall be composed of nine persons Appointment of first members of council. who shall in the first instance be appointed by the Lieutenant-Governor in Council within one month after the passing of this Act, and shall be British subjects, both residing and practising the profession of stenography within the said Province for at least five years before the passing of this Act; the members of said council so appointed shall meet in the city of Toronto, in the county of York, for the purpose of organization within one month after appointment, at such time and place as may be directed by proclamation in the *Ontario Gazette*.

(2) Any five members of the council shall form a quorum Quorum.

(3) The members of the council so appointed by the Lieutenant-Governor in Council, shall hold office for the following Terms of office. terms respectively: the first three names mentioned for the term of three years; the second three names mentioned for the term of two years; the third and last three names mentioned for the term of one year.

(4) All subsequent members of the council shall be elected Election by ballot. by voting papers in such manner as may be provided for by the by-laws of the Association at the annual meeting of said Association, or at a special meeting called for that purpose, and the member or members obtaining the greatest number of votes shall be declared elected.

(5) No person shall be eligible for election to the council or Only qualified members eligible for council. qualified to fill any vacancy thereon, or to vote for any member thereof, unless duly qualified under the provisions of this Act and the by-laws of the Association.

(6) All elected members of the council shall hold office for Term of office and quorum. the term of three years, except as herein provided, and five shall form a quorum.



Registration  
of present  
practitioners.

9.—(1) Any person who, for the six months prior to the passage of this Act, shall have regularly practised the profession of stenographic reporting, may become a member of the Association by causing his name to be registered with the secretary of the Association within three months from the appointment of such secretary, and by paying to the Association a fee not exceeding two dollars.

(2) In case any such person as aforesaid omits to be registered within said period of three months, through absence, illness or inadvertence, such person may, at the discretion of the council, be admitted to enrolment as a chartered stenographer.

Admission by  
vote of  
council.

10. The council may, by a vote of two-thirds of all the members thereof, admit to membership in the Association without examination such stenographers as may by reason of their general professional reputation and standing be deemed qualified for membership in the same.

Time and  
place of  
annual  
meeting

11. The annual meeting of the members of the Association for the election of the council, and for such other business as may be brought before such meeting, shall be held at such time and place and under such regulations and notices as the by-laws of the Association shall provide; and in default of such election being held at the proper time, the existing officers and council shall continue to act until their successors shall be duly appointed.

Register of  
members to be  
kept.

12.—(1) The council shall cause to be kept by the secretary a book or register, in which shall be entered in alphabetical order the names of all members in good standing; and those members only whose names are inscribed in the book or register aforesaid shall be deemed entitled to the privileges of membership in the Association; and such book or register shall at all times be subject to inspection by any person free of charge.

Registration  
to be *prima*  
*facie* evidence  
of member-  
ship.

(2) Such register, or a copy of the same duly certified by the secretary, shall be *prima facie* evidence in all courts and before all persons that the persons therein specified are members of the Association in good standing, and the absence of the name of any person from such book shall be *prima facie* evidence that such person is not a member of the Association.

Limitation of  
term of  
diplomas and  
certificates.

13. The Association shall have power to limit the term of all diplomas and certificates granted by it to one year from the date of granting the same, and shall have power to withhold the granting or renewal of the same, together with all the other privileges of membership, from any person who neglects to pay the prescribed fees when they are due and so long as such neglect continues.

**14.** From and after the passing of this Act no person shall be entitled to take or use the name or title of "Chartered Stenographic Reporter," or the letters "C. S. R.," either alone or in combination with any other words, or any name, title or description implying that he is a member of the Association, unless he be a member in good standing and registered as such; any person using the said name or title contrary to the provisions of this section shall be liable on summary conviction to a fine not exceeding \$25 for the first offence and not exceeding \$100 for each subsequent offence.

Penalty for using the title C. S. R. when not registered.

**15.** The Association may by by-law provide for the suspension or expulsion of any member for misconduct or violation of the rules or by-laws of the Association on complaint and after due enquiry.

Admission and expulsion of members.

**16.**—(1) All fees payable under this Act may be recovered as ordinary debts due to the Association, and all penalties, under this Act may be recovered and enforced before one or more justices of the peace in manner directed by the Revised Statutes of Canada, chapter 178, entitled *The Summary Convictions Act*, and any Act amending the same.

Recovery of fees and penalties due the Association.

(2) Any sum or sums of money received from convictions and recovery of penalties as aforesaid shall be paid immediately on the recovery thereof by the convicting magistrate to the treasurer of the Association.

Fees and penalties when recovered to be paid to the treasurer.

(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalties as may be expedient towards the payment of such prosecutor.

Who may prosecute.

**17.** The Association shall have power to affiliate with any other Association of Stenographers in the Dominion of Canada, Great Britain or the United States of America, or elsewhere, for the purpose of mutual benefit to the profession.

Power to affiliate with similar Associations.

**18.** If any member during his lifetime ceases to be a member of the Association he shall not, nor shall his representatives, have any interest in or claim against the funds or property of the Association.

Ex-members to have no claims against the funds.

## CHAPTER 31.

## An Act respecting Stationary Engineers.

*[Assented to 4th May, 1891.]*

Preamble.

**W**HEREAS it is deemed expedient to incorporate the persons hereinafter named, and all persons who shall hereafter cause their names to be registered, as an association for the purpose of holding examinations and granting certificates of qualification and efficiency as stationary engineers;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation  
of Ontario  
Association of  
Stationary  
Engineers.

**1.** Prof. J. Galbraith, John Galt, M.E., A. E. Eakins, William Sutton, A. M. Wickens, J. A. Wills, all of Toronto, Hugh Fairgrieve, Robert Dickinson, Robert Mackie, Sylvester Potter, all of Hamilton, Arthur Ames, of Brantford, James Devlin, of Kingston, and all persons who shall cause their names to be registered under the provisions of this Act, shall be, and are hereby incorporated under the name and style of "The Ontario Association of Stationary Engineers," hereinafter referred to as "the Association."

Corporate  
powers.

**2.** The Ontario Association of Stationary Engineers shall be a body corporate by the name aforesaid, having a perpetual succession and a common seal, with power to acquire, hold and dispose of personal and real estate, for the purposes of this Act, and to sue and be sued, in the manner usual with such corporations.

Who may be-  
come mem-  
bers.

**3.** Every person registered under the provisions of this Act shall be a member of the said association

Board of  
management.

**4.** There shall be a board of management of the said association, to be appointed in the manner provided for in this Act and hereinafter referred to as "the board."

Board, how  
composed.

**5—(1)** The said Prof. J. Galbraith, John Galt, M.E., A. E. Eakins, William Sutton, A. M. Wickens, J. A. Wills, Hugh Fairgrieve, Robert Dickinson, Robert Mackie, Sylvester Potter, Arthur Ames and James Devlin shall be the officers and board of the said association until others, under the provisions of this Act, shall be elected to fill their place.

Organization  
of board.

**(2)** The members of the said board shall meet in the city of Toronto, in the county of York, for the purpose of organization, within one month after the passing of this Act.

Quorum.

**(3)** Any five members of the board shall form a quorum.

**(4)**



(4). The members of the board shall hold office for the term of three years and there shall be an election each year of four members, the first board hereby appointed determining by lot the order of their retirement at the expiration of one two and three years respectively, and any retiring member shall be eligible for re-election.

Terms of office of first members of board.

6. All subsequent members of the board shall be elected by ballot, in such manner as may be provided for by the by-laws of the association, at the annual meeting of said association, or at a special meeting called for that purpose, and the member or members obtaining the greatest number of votes shall be declared elected.

Subsequent appointment of members of board.

7. No person shall be eligible for election to the board or qualified to fill any vacancy thereon, or to vote for any member thereof unless duly qualified under the provisions of this Act and the by-laws of the association.

Qualifications of members of board.

8.—(1) In case of the resignation or death of any member or members of the board not exceeding four, the other members of the board shall have power to fill all vacancies so caused, until the time of the holding of the next annual meeting; provided said annual meeting is not to be held within a period of three months of the occurring of such vacancy or vacancies.

Vacancies—how filled.

(2) In case of the resignation or death of five or more members of the board, the president or vice-president of the association, or in case of their, or either of their default for a period of ten days any five members in good standing shall have power to call a special meeting of the association upon a notice of not less than ten days, for the purpose of filling the vacancies so caused.

(3) In case of an election to fill the vacancies referred to in sub-sections 1 and 2, the member receiving the greater number of votes shall be considered the member elected to fill the vacancy which shall require the longer time to expire and so on until the vacancies are filled.

9. In case of any doubt or dispute as to who has or have been elected a member or members of the board, or as to the legality of the election of any member or members of the board, it shall be lawful for the other duly elected members to be, and they are hereby constituted a committee to hold an enquiry and decide who, if any, is or are the legally elected member or members of the board, and the person or persons, if any, whom they decide to have been elected, shall be and be deemed to be the member or members legally elected, and if the election is found to have been illegal, the said committee shall have power to order a new election.

Proceeding where election disputed.

Power to regulate meetings of board and association.

**10.** Meetings of the association and the board shall be held at such times and places as may be fixed by the by-laws of the association or board respectively; and in the absence of any rule or regulation as to the summoning of meetings of the association or of the board, it shall be lawful for the president, or in the event of his absence or death, for the registrar, to summon the same at such time and place as to such officer seems fit, by circular letter to each member.

Who to preside at meeting.

**11.** In the event of the absence of the president from any meeting, the vice-president, or in his absence, some other member to be chosen from among the members present, shall act as president.

Majority to decide questions.

**12.** All questions submitted to the association, or the board, shall be decided by a majority of the members present, not being less than five in number in case of the board, and twenty in case of the association.

Casting vote.

**13.** At all meetings the president for the time being shall have only a casting vote.

Payment of expenses of board.

**14.** There shall be paid to the members of the board such fees for attendance, and such reasonable travelling expenses as may be fixed by by-laws passed by the association at the annual meeting.

Election of officers.

**15.** The board shall annually elect from among its members a president and vice-president, and shall appoint a registrar, treasurer, solicitor, and such other officers as may be necessary for the working of this Act, who shall hold office during the pleasure of the board, and who shall, as well as being officers of the board, hold the like position as officers of the association.

Salaries.

**16.** The board shall have power to fix by by-law the salaries or fees to be paid to such officers, and to the board of examiners hereinafter appointed.

Power to make rules and regulations.

**17.** The said board may make rules and regulations for their own conduct and for the uniform inspection of steam plant, for the conduct of examinations, for fixing all fees to be charged and for such other purposes as are necessary under this Act, but nothing herein contained shall be deemed to give the association any powers of compulsory inspection.

Certificates.

**18.** The board or a committee thereof shall examine all persons applying under this Act, and shall have power to issue certificates, and such certificates shall in plain terms name the particular steam plant the holder is qualified to operate.

19.—(1) All persons shall on application for examination, Examination fees. pay such fee for such examination, including certificate as may be prescribed.

(2) No certificate or renewal thereof shall be granted to any Withholding and revoking certificate. person addicted to the excessive use of intoxicating liquors, and such certificate may at any time be revoked when the holder thereof has been shown to have been guilty of gross carelessness, incompetence or intemperance.

20. The expression "steam plant," wherever the same Interpretation—"steam plant." occurs in this Act, shall include boilers and steam engines and every part thereof or thing connected therewith, and all other apparatus and things attached to or connected therewith or used with reference to any such engines or under the care of the engineer.

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## CHAPTER 32.

### An Act to amend The Ontario Joint Stock Companies' Letters Patent Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 57 of *The Ontario Joint Stock Companies' Letters Patent Act* is amended by adding thereto the following Rev. Stat. c. 157, s. 57, amended. sub-section :—

(9) This section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading or business purposes or objects where such company by its charter of incorporation is declared to be exempt from the provisions thereof. Application of section limited as to certain companies.

2. The provisions of the *Act respecting the limited liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's reign, chaptered 26, shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading or business purposes or objects, where such company by its charter of incorporation is declared to be exempt from the provisions of the said Act. Application of 52 V. c. 26, limited as to certain companies.



## CHAPTER 33.

## An Act respecting Trust Companies.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company licensed under Rev. Stat. c. 157 s. 74 may be a sole trustee.

1. A trust company as to which, under the provisions of section 74 of *The Ontario Joint Stock Companies' Letters Patent Act*, the Lieutenant-Governor in Council has given his approval to its being accepted by the High Court as a trust company for the purpose of such court, may be appointed to be a sole trustee, notwithstanding that but for this Act it would be necessary to appoint more than one trustee, and may also be appointed trustee jointly with another person.

Mode of appointing company a trustee.

2. Such appointment may be made whether the trustee is required under the provisions of any deed, will or document, creating a trust, or whether the appointment is under the provisions of the *Act respecting Trustees and Executors and the Administration of Estates*, or otherwise.

Rev. Stat. c. 110.

## CHAPTER 34.

## An Act respecting the Liability of Directors.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as the "*Directors' Liability Act 1891.*"

Interpretation

"Untrue statement."

2. In this Act, unless the context otherwise requires:—

(1) "Untrue statement" includes a concealment or intentional non-disclosure of a material fact known to the director or promoter which might reasonably influence a person in determining whether to apply or not to apply for shares, debenture stock, annuities on lives, or other securities of the company for which application is invited.

"Securities."

(2) "Securities" includes bonds, debentures, investment bonds; also policies, certificates, or other instruments of insurance, suretyship, or guarantee, or instruments evidencing contracts in the nature thereof.

(3)

(3) "Company" includes any joint stock or other private "Company." corporation which issues, or is authorized to issue, shares, debenture stock, annuities on lives, or other securities as hereinbefore defined.

(4) "Directors" includes the officers, by whatever name "Directors." known, appointed to manage the affairs of the corporation.

(5) "Promoter" means a promoter who was a party to the "Promoter." preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company.

(6) "Expert" includes any person whose profession gives "Expert." authority to a statement made by him.

3. This Act shall apply to all companies where or by what Application. authority soever incorporated; and, in respect of Provincial companies, shall be construed as one with the several Acts of Ontario, incorporating or providing for the incorporation of companies by letters patent or otherwise.

4—(1) Where, after the passing of this Act, a prospectus or notice invites persons to subscribe or apply for shares, debenture stock, annuities on lives, or other securities of a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who, having authorised such naming of him, is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company, and every person who has authorised the issue of the prospectus or notice, shall be liable to pay to all persons so subscribing or applying on the faith of such prospectus or notice, compensation for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

Liability for statements in prospectus.

(a) With respect to every such untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and up to the time of the allotment or issue of the shares, debenture stock, annuities on lives, or other securities, as the case may be, did believe that the statement was true; and

(b) With respect to every such untrue statement purporting to be a statement by or contained in what purports

ports to be a copy of or extract from a report or valuation of an engineer, valuer, accountant, or other expert, that it fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation. Provided always, that notwithstanding that such untrue statement fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation, such director, person named, promoter, or other person, who authorised the issue of the prospectus or notice as aforesaid, shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and

- (c) With respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of such statement or copy of or extract from such document,

or unless it is proved that, having consented to become a director of the company, he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent; or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent; or that after the issue of such prospectus or notice and before allotment or issue of the shares, debenture stock, annuities on lives or other securities thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal, and of the reason therefor, to be given.

Statements in prospectus for raising further capital.

(2) Where any company existing at the passing of this Act, shall be desirous of obtaining further capital by subscriptions for shares, bonds, debentures, debenture stock or other securities, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorised the issue of such prospectus or notice, or have adopted or ratified the same.

Indemnity where name of person has been improperly inserted

5. Where any such prospectus or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent



consent before the issue of such prospectus or notice, and has not authorised or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus or notice was issued, and any other person who authorised the issue of such prospectus or notice shall be liable to indemnify the person named as a director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof.

6. Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorised the issue of the prospectus or notice, has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment.

Contribution  
from co-directors, etc.

## CHAPTER 35.

An Act to amend The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 72 of *The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water* is amended by adding thereto the proviso following :—

Rev. Stat. c.  
164, s. 72,  
amended.

“ Provided always that for a city, if the council of the city consent thereto by by-law, the company may, subject to the terms of any such by-law, from time to time borrow on the security of their works, such further sum or sums as, including any moneys theretofore borrowed and remaining unpaid will not in all exceed \$200,000.”

Borrowing  
powers in  
cities.

## CHAPTER 36.

An Act to amend the Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
165, s. 1.  
amended.

1. Section 1 of the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power* is amended by inserting after the word "electricity" in the third line of the said section the words "or natural gas."

Rev. Stat. c.  
165 s. 2.,  
amended.

2. Section 2 of the said Act is amended by inserting after the word "electricity" in the fourth line of the said section the words "or natural gas."

Rev. Stat. c.  
165 s. 3.,  
amended.

3. Section 3 of the said Act is amended by inserting after the word "electricity" in both the eighth and eleventh lines of the said section the words "or natural gas," and by substituting for the word "word" at the end of the tenth line of the said section the word "words."

Rev. Stat. c.  
165 s. 4.,  
amended.

4. Section 4 of the said Act is amended by inserting after the word "electricity" in the ninth line of the said section the words "or natural gas."

## CHAPTER 37.

An Act to amend The Ontario Insurance Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment  
of provincial  
coroners to  
hold fire in-  
vestigations.

1.—(1) It shall be lawful for the Lieutenant-Governor in Council to appoint from time to time, under the Great Seal, Provincial coroners, each of whom shall be by virtue of his appointment both a Coroner and a justice of the peace for every county and part of Ontario, for purposes of holding fire investigations. (2)

(2) The fees payable to a Provincial coroner shall be as enacted by section 7, of chapter 217, of the Revised Statutes of Ontario, 1887. Fees of provincial coroners.

(3) Before any Provincial Coroner shall enter on any investigation under this Act, he shall obtain the consent in writing of either the Attorney-General or county attorney for the county wherein the investigation is proposed to be held. Assent of Attorney-General or county attorney required.

(4) This section shall be construed as one with chapters 80, 83, and 217, and section 120 of chapter 167, of the Revised Statutes of Ontario, 1887. Incorporation of provisions with prior enactments.

(5) For purposes of any investigation held under the last named section the Provincial Coroner or a justice of the peace may summon and bring before him any person whom he deems capable of giving information or evidence touching or concerning the fire, and may examine such persons on oath; and he shall reduce such examinations to writing, and return the same to the clerk of the peace for the district or county within which they have been taken, and the fees payable to a justice of the peace in respect of such investigation shall be as herein enacted for a Provincial Coroner. Powers of provincial coroners, etc.

2. Section 93 of *The Ontario Insurance Act* is hereby amended by adding thereto the following sub-section:— Rev. Stat. c 167, s. 93, amended.

(2) The board may, in the name of the company, invest the capital and funds of the company in the debentures of any municipal corporation of the Province of Ontario, provided that such investment is in other respects reasonable and proper, and the said debentures may be received on account of the deposit prescribed by section 40 of this Act.

## CHAPTER 38.

### An Act respecting Loan Companies.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act applies to all companies which may hereafter be incorporated for the purpose of lending money on real estate or other securities hereinafter mentioned, and the expression "loan company in this Province" herein means a company incorporated for the said purpose. Application of Act.

(2) This Act does not apply to companies incorporated under the *Act respecting Building Societies* save and except where such companies or societies are herein expressly mentioned. Rev. Stat. c. 169.



Power to purchase and lend on certain securities.

2. Every loan company hereafter incorporated save as aforesaid may from, time to time,—

- (a) Lend and advance money, by way of loan or otherwise, for such periods as it deems expedient, on the security of real estate, or on the public securities of Canada, or of any of the Provinces thereof, or on the security of debentures of any municipal or public school corporation, and upon such terms and conditions as to the company seem satisfactory or expedient ;
- (b) Acquire, by purchase or otherwise, any security upon which it is authorized to lend or advance money, and re-sell the same as it deems advisable ;
- (c) Do all acts that are necessary for advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into, for delay of payment ;
- (d) Give receipts, acquittances and discharges, either absolutely and wholly or partially, and execute such deeds, assignments or other instruments as are necessary for carrying any such purchase or re-sale into effect ;

And for every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the company may lay out, and apply the capital and property, for the time being, of the company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the company in addition to its capital for the time being, and may authorize and exercise all acts and powers whatsoever, in the opinion of the directors of the company requisite or expedient to be done or exercised in relation thereto.

Power to act as agent.

3.—(1) The company may act as an agency association for the interest and on behalf of others who entrust it with money for that purpose, and may, either in the name of the company or of such others, lend and advance money to any person upon such securities as are mentioned in the next preceding section, or to any body corporate, or to any municipal or other authority, or to any board or body of trustees or commissioners, upon such terms and upon such security as to the company appear

appear satisfactory, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same.

(2) The conditions and terms of such loans and advances, and of such purchases and re-sales, may be enforced by the company for its benefit, and for the benefit of the person or persons or corporation for whom such money has been lent and advanced, or such purchase and re-sale made; and the company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital. Enforcement of conditions.

(3) The company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the company for investment. Guarantee of repayment.

(4) The company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being of the company, or any part of the moneys authorized to be raised by the company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to, and exercise all acts whatsoever, in the opinion of the directors of the company for the time being requisite or expedient to be done in regard thereto. General powers for foregoing purposes.

(5) All moneys of which the repayment of the principal or payment of interest is guaranteed by the company, shall, for the purposes of this Act, be deemed to be money borrowed by the company. Money of which payment is guaranteed to be deemed borrowed.

4. The directors may, from time to time, with the consent of the shareholders, obtained at any general meeting, borrow money on behalf of the company, at such lawful rates of interest and upon such terms as they from time to time think proper; and the directors may for that purpose execute any debentures, mortgages, bonds or other instruments, under the seal of the company, for sums of not less than \$100 each, or may assign, transfer or deposit, by way of equitable mortgage or otherwise, for the sums so borrowed, any of the documents of title, deeds, muniments, securities or property of the company, and either with or without power of sale or other special provisions, as the directors deem expedient. Borrowing powers.

5. The directors, may, from time to time, with the consent of a majority of the shareholders, present in person or represented by proxy at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt, authorized by section 4 of this Act, in such amounts and manner, on such terms and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations in this Act provided, so that the amount received as money deposits and borrowed Issuing debenture stock.

borrowed on the security of debentures, mortgages, bonds or other instruments or debenture stock, shall not in the whole exceed the aggregate amount fixed by this Act as the authorized limit of the borrowing powers of the company.

Debenture stock, how ranked.

6. The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the company, and the holders thereof shall not be liable or answerable for any debts or liabilities of the company.

Register of debenture stock.

7. The company shall cause entries of the debenture stock from time to time created to be made in a register to be kept for that purpose at their head office, wherein they shall enter the names and addresses of the several persons and co-partners from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the company, without the payment of any fee or charge.

Transfers of debenture stock.

8. All transfers of the debenture stock of the company shall be registered at the head office of the company in this Province, but the company may have transfer books of such debenture stock in Great Britain and Ireland, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office.

Certificate of debenture stock.

9. The company shall deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him, the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Holder not to vote.

10. Debenture stock shall not entitle the holders thereof to be present or to vote at any meeting of the company, or confer any qualification, but shall, in all respects not otherwise by or under this Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking, except the right to require repayment of the principal money paid up in respect of the debenture stock.

Redemption of debenture stock.

11. The company may from time to time purchase in the open market and redeem any portion or portions of the debenture stock representing moneys, which the directors, by resolution duly made, determine not to be required for the business of the company; but such purchase, paying off or redemption shall not in any way extend, limit or prejudice the exercise of the borrowing powers of the company under this Act.



12. The company shall not, without the express consent of the shareholders given at a general meeting, receive money on deposit; and when money is received on deposit, the same shall, for the purposes of this Act, be deemed to be money borrowed of the company. Receiving money on deposit.

13.—(1) The company shall not borrow money unless at least \$100,000 of its subscribed capital stock has been paid up. Restriction on borrowing powers.

(2) The company shall not borrow money unless at least twenty per cent. of its subscribed capital stock has been paid up.

(3) If the company borrows money by way of deposit, under the next preceding section, the aggregate amount of the sums so borrowed, by way of deposit, shall not at any time, whether the company borrows solely by way of deposit or also in other ways, exceed the aggregate amount of its paid-up capital, and of its other cash actually in hand or deposited by it in any chartered bank or banks in Canada.

(4) If the company borrows money solely on debentures or other securities, and by guarantee as hereinbefore authorized, and not by way of deposit, under the next preceding section the aggregate amount of the sums so borrowed shall not, at any time exceed four times the amount of its paid-up and unimpaired capital, or the amount of its subscribed capital, at the option of the company.

(5) If the company borrows money both by way of debentures or other securities, or by guarantee, as aforesaid, and also by way of deposit, the aggregate amount of money so borrowed shall not, at any time, exceed the amount of the principal moneys remaining unpaid on securities then held by the company, nor shall it exceed double the amount of the then actually paid up and unimpaired capital of the company; but the amount of cash then actually in the hands of the company, or deposited by it in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the company has then incurred, as above mentioned, in calculating aggregate amount for the purposes of this sub-section.

(6) In the event of any company now incorporated, availing itself of the provisions of this Act for the purpose of enlarging its powers to borrow money by debentures, nothing herein contained shall be construed as affecting or in any wise impairing the right of the holders of debentures issued by such company.

14. The company may hold such real estate as is necessary for the transaction of its business, not exceeding in yearly value the sum of \$10,000, or such real estate as, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease, or otherwise dispose of the same; but the company shall sell any Power to sell old real estate.

any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall be forfeited to Her Majesty for the uses of the Province.

Power to  
charge com-  
mission.

**15.** The company, when acting as an agency association, may charge such commission to the lender or borrower, or both, upon the moneys invested, as is agreed upon, or as is reasonable in that behalf.

What interest  
company may  
exact.

**16.** The company may stipulate for, take, reserve, and exact any rate of interest or discount that may be lawfully taken by individuals, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as are regulated by the by-laws of the company: Provided always that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest which has the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan.

Register of  
securities.

**17.** A register of all securities held by the company shall be kept; and within fourteen days after the taking of any security, an entry or memorandum specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register.

Power to unite  
with other  
companies.

**18.** The company may unite, amalgamate and consolidate its stock, property, business, and franchises with those of any other company or society incorporated or chartered to transact a like business, and any other business in connection with such business, or with those of any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or may sell its assets to any such other company or society, which is hereby authorized to purchase the same, or may purchase the assets of any other such company or society, which is hereby authorized to sell the same, and for the purpose of carrying out such purchase or sale, the company so purchasing may assume the liabilities of the company so selling and may enter into such bond or agreement of indemnity with the company or the individual shareholders thereof or both as may be necessary, and may enter into all contracts and agreements necessary to such union, amalgamation, consolidation, sale, purchase or acquisition.

Agreement for  
union.

**19.** The directors of the company and of any other such company or society may enter into a joint agreement under the corporate seals of each of the said corporations for the union, amalgamation or consolidation of the said corporations or for the sale by the company of its assets to any other such company or society, or for the purchase and acquisition by the company of the assets of any such company  
or

or society prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation, with such other details as they deem necessary to perfect such new organization, and the union, amalgamation and consolidation of the said corporations and the after management and working thereof, or the terms and mode of payment for the assets of the company by any other such company or society purchasing the same, or for the assets of any other such company or society purchased or acquired by the company:

20.—(1) Such agreement, or if no agreement has been entered into, but an offer has been made by another company or society under its corporate seal for the purchase of the assets of the company, or if the company has made any offer under its corporate seal for the purchase of the assets of another company or society, then such offer shall be submitted to the shareholders of each of the said corporations, at a meeting thereof, to be held separately for the purpose of taking the same into consideration.

Agreement to be subject to approval of shareholders.

(2) Notice of the time and place of such meetings and the objects thereof, shall be given by written or printed notices addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice inserted in a newspaper published at the chief place of business of such corporations once a week for six successive weeks.

(3) At such meetings of shareholders such agreement or offer shall be considered and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote unless otherwise provided by the by-laws of the said respective corporations, and the said ballots being cast in person or by proxy, and if two-thirds of the votes of all the shareholders of such corporations representing not less than two-thirds in value of the paid up capital stock of each shall be for the adoption of such agreement or the adoption and acceptance of such offer, then that fact shall be certified upon the said agreement or offer by the secretary or manager of each of such corporations, under the corporate seals thereof.

(4) The shareholders who may vote at such meetings shall be those only whose names are duly entered in the books of the respective corporations at the date of the first publication of the notices calling such meetings, and they shall vote upon the shares, only then standing in their respective names.

(5) If the said agreement is so adopted or the said offer so adopted and accepted at the respective meetings of the shareholders



shareholders of each of the said corporations, the agreement so adopted or the offer so adopted and accepted and the said certificates thereon shall be filed in the office of the Provincial Secretary and the said agreement or offer shall thenceforth be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition of the assets of the company by such other company or society so purchasing, or by the company of the assets of the company or society so selling, as the case may be; and the assets of the company selling shall thereupon, without any further conveyance, become absolutely vested in the company purchasing, and the company purchasing shall thereupon become and be responsible for the liabilities of the company or society so selling, the whole as fully and effectually to all intents and purposes as if a special Act were passed with that object; and in dealing with the assets of the company selling it shall be sufficient for the company purchasing to recite the said agreement and the filing thereof in the office of the Provincial Secretary.

(6) A copy of such agreement or offer so filed and of the certificates thereon properly certified shall be evidence of the existence of such new corporation or of such purchase and acquisition.

(7) Due proof of the foregoing facts shall be laid before the Lieutenant Governor in Council, and the Lieutenant-Governor in Council may issue letters patent to the new corporations, and notice thereof shall be duly published by the Provincial Secretary in the *Ontario Gazette* after which the new corporation may transact business.

Effect of  
agreement  
when per-  
fected.

21. Upon the completion and perfection of said agreement and act of consolidation, as provided in the next preceding section, the several corporations or societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations.

Property and  
rights of both  
vested in new  
company

22. Upon the consummation of such consolidation as aforesaid, all and singular the business, property, real and personal, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to, and vested in such new corporation without further act or deed: Provided however that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and that all debts, liabilities and duties of either of the said corporations

corporations shall thenceforth attach to the new corporation, and may be enforced against it to the same extent as if the said debts liabilities and duties had been incurred or contracted by it; and that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

**23.** The sections numbered from 83 to 90 inclusive of the *Act respecting Building Societies*, being enactments with respect to annual statements of the assets and liabilities of a society, shall apply to every company which shall be incorporated under this Act or have its powers extended under this Act, and to every other incorporated company or society which has been or shall hereafter be authorised by competent authority to lend money on mortgages of real estate in this Province or for that purpose and other purposes.

Application of  
Rev. Stat. c.  
169, ss. 83-90.

**24.** The 78th section of *The Ontario Joint Stock Companies' Letters Patent Act*, shall apply for the purposes of this Act to any company heretofore incorporated, whether by special Act or otherwise.

Application of  
Rev. Stat. c.  
157, s. 78.

**25.** As respects that class of Loan Companies commonly called Building Societies, and incorporated under the *Act respecting Building Societies*, it shall be necessary to file with the declaration mentioned in the 2nd section of the said Act a certificate of the Provincial Secretary that the proposed name does not appear to be the name of any other company incorporated or unincorporated, nor a name liable to be fairly confounded therewith, nor otherwise on public grounds objectionable.

Names of  
societies incor-  
porated under  
Rev. Stat. c.  
169.

## CHAPTER 39.

### An Act relating to Railways.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Where the time limited for the commencement of any railway authorized to be constructed by a railway company has expired or will expire between the first day of March, 1891, and the thirty-first day of December, 1891, the said time limited for the commencement of any such railway is hereby extended

Time for com-  
mencement of  
certain rail-  
ways ex-  
tended.

Proviso.

extended until and inclusive of the first day of June, 1892. Provided, always, that nothing herein contained shall be, deemed or construed as, for any purpose or in any manner, altering, varying or affecting the terms or provisions of any other Act passed by the Legislature of the Province of Ontario in the 54th year of the reign of Her Majesty respecting any railway company, or respecting any railway authorized to be constructed by a railway company. Provided, moreover, that nothing herein contained shall be deemed or construed as conferring, or as purporting or intending to confer any right, power or privilege upon any railway company which is not within the legislative authority of the Province of Ontario, for the purposes aforesaid.

Proviso.

## CHAPTER 40.

### An Act to amend The Street Railway Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 171, s. 15,  
sub. s. 6  
amended.  
Crossing other  
street railway  
lines.

1. Sub-section 6 of section 15 of *The Street Railway Act* is amended by the addition thereto of the following:

Provided that the line of railway of any street railway company incorporated before the first day of February, 1883, may be crossed by the line of railway of any other street railway company if authority therefor is given by the order of the Lieutenant-Governor in Council; and such Order in Council may fix and determine the terms and conditions upon which such first mentioned line of railway may be so crossed.

## CHAPTER 41.

### An Act to amend the Act respecting Cemetery Companies.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 175, s. 19, to  
apply to all  
cemetery com-  
panies.

1. The whole of section 19 of the *Act respecting Cemetery Companies* shall apply to any incorporated cemetery company, whether incorporated by public or private Act.



2. Any such company shall have all the powers set forth in said section 19, and for the purpose of securing the due performance of any agreement binding upon them, the company may invest the money received under said agreement in the same manner as trustees or executors are authorized to invest trust money, and by and out of the interest and dividends of such investment do and perform all obligations under said agreement.

Powers of  
companies.

## CHAPTER 42.

### The Municipal Amendment Act, 1891.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of *The Municipal Act* is amended by inserting therein the words “of the age of twenty-one years and over” immediately after the word “neighbourhood” in the 8th line thereof.

Rev. Stat. c.  
184, s. 9  
amended.

2. Section 9 of the said Act is further amended by adding thereto the following sub-sections:—

Rev. Stat. c.  
184, s. 9  
amended.

(2) In case the territory sought to be incorporated, or any part hereof lies within one mile of the limits of a city having a population of 100,000 and upwards, the petition shall be signed by not less than two-thirds of the freeholders and householders, of the age of twenty-one years and over, whose names appear on the last revised assessment roll, and who have been resident within the territory sought to be incorporated for at least four months immediately prior to the signing of said petition, within the district sought to be incorporated, and of whom not fewer than one-half shall be freeholders.

Incorporation  
of village  
within 1 mile  
of city of  
100,000 popu-  
lation.

(3) If the district sought to be incorporated, or any part thereof has been laid out in lots on a registered plan, each petitioner shall state the number of the lot on said plan owned or occupied by him, and shall further set out whether he is a freeholder or householder.

(4) No by-law shall be passed under this section unless the petition therefor shall have been lodged with the clerk of the county at least one month before the meeting of the council at which the same is to be considered, nor unless public notice shall have, within two months previous to the meeting of the council at which the same shall be considered, been published at least once a week for two successive weeks in some newspaper at or nearest to the locality sought to be incorporated, and such notice shall set forth a description of the area intended to be embraced in the village.

Rev. Stat. c.  
184, s. 132,  
amended.

**3.** Section 132 of the said Act is amended by striking out all the words after the word "copy" in the fourth line thereof and substituting therefor the following "either printed or written, or partly printed and partly written, certified to be a correct list of voters for the ward or polling sub-division under section 128 and following sections, together with a blank poll book according to the form of schedule C to this Act, and also a copy of the proper defaulter's list for the polling sub-division certified by the treasurer or collector pursuant to section 119 of this Act."

Rev. Stat. c.  
184, s. 136,  
amended.

**4.** Section 136 of the said Act is amended by inserting the words "poll book" after the word "list" at the end of the sixth line thereof.

Rev. Stat. c.  
184, s. 143,  
sub-s. 2,  
repealed.

**5.** Sub-section 2 of section 143 of the said Act is repealed and the following substituted therefor:

2. He shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification, residence and legal addition of such person.

Rev. Stat. c.  
184, ss. 143,  
145 and 148,  
and sub-s. 2, of  
s. 149,  
amended.

**6.** Where the words "voters' list" appear in sub-sections 3, 4 and 5 of section 143, sections 145, 148 and sub-section 2 of section 149 of the said Act the same is struck out and the words "poll book" substituted therefor.

Rev. Stat. c.  
184, s. 143,  
sub-s. 6,  
amended.

**7.** Sub-section 6 of section 143 of the said Act is repealed and the following substituted therefor:

6. Where the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the deputy returning officer shall before signing his name or initials on the back of the ballot paper place or cause to be placed a check or mark opposite to the name of the voter in the certified voter's list to indicate that the name of such person has been entered in the poll book and the person allowed to vote.

Rev. Stat. c.  
184, s. 210  
repealed.

**8.** Section 210 of the said Act is repealed and the following substituted therefor:—

Undue influence and personation at elections.

**210.—(1)** Every person, who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction by himself, or by or through any other person of any injury, damage, harm or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any municipal election, or on account of such person having voted or refrained from voting thereat, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter either to give or to refrain from giving his vote at any municipal election, shall be deemed to have committed the

the

the offence of undue influence, and shall incur a penalty of \$100, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years.

(2) Every person who at any municipal election applies for a ballot paper in the name of some other person, whether the name be that of a person living or dead, or of a fictitious person, or who having already voted at any such election improperly applies at the same election for a ballot paper in his own name, or who advises or abets, counsels or procures any other person so to do, shall be deemed to have committed the offence of personation, and shall incur a penalty of \$200, and in default of the payment of the penalty and costs, the offender shall be imprisoned in the common gaol for a period of sixty days, unless the penalty and costs be sooner paid.

9. Section 214 of the said Act is amended by striking out the words and figures "sections 209 and 210," in the second line and inserting in lieu thereof "section 209." Rev. Stat. c. 184, s. 214 amended.

10. Sub-section 2 of section 340 of *The Municipal Act* as amended by *The Municipal Amendment Act, 1890*, is hereby amended by adding after the word "railways" in the first line, the words "harbor works or improvements." Rev. Stat. c. 184, s. 340, sub s. 2, amended.

11. Section 352 of *The Municipal Act* is amended by adding thereto the following sub-sections:— Rev. Stat. c. 184, s. 352, amended.

(4) Every by-law providing for the issue of debentures passed under the provisions of this Act relating to local improvements, where the same has been so registered, and the debentures issued thereunder, and the assessment made upon the real property mentioned therein, notwithstanding any want of substance or form either in the by-law itself, or in the time and manner of passing the same, shall be absolutely valid and binding upon the municipality and upon such real property according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made to some court of competent jurisdiction, within one month from the registry thereof. Irregularities in form not to invalidate debentures in certain cases.

(5) Where any action or proceeding shall be brought or taken or where an application shall be made to quash or set aside, such by-law so registered, a certificate thereof under the hand and seal of the clerk of the court shall be registered in such registry office within five weeks from the date of registering the by-law, and in default thereof the court or judge may refuse to hear, or may dismiss any such action, proceeding, motion or application to quash or set aside the by-law.

12. Section 373 of the said Act is hereby amended by adding the following sub-sections:— Rev. Stat. c. 184, s. 373, amended.

(2) Provided always that any moneys levied and collected for the purpose of a sinking fund, shall not in any case be applied Moneys levied for a sinking fund not to be diverted.



applied towards paying any portion of the current or other expenditures of the municipality, save as may be otherwise authorized by this or any other Act.

Liability of  
councillors for  
diversion of  
sinking fund.

(3) In the event of the council of any municipality diverting any of said moneys for such current or any other expenditure, save as aforesaid, the members who vote for the diverting of said moneys shall be personally liable for the amount so diverted, and said amount may be recovered in any court of competent jurisdiction; and the members who may have voted for the same, shall be disqualified for holding any municipal office for the period of two years.

Rev. Stat. c.  
184, s. 436,  
amended.

**13.** Section 436 of the said Act as amended by *The Municipal Amendment Act, 1888*, and *The Municipal Amendment Act, 1889*, is further amended by adding thereto the following sub-section:—

Vagrant  
bands.

(5) The board of commissioners of police in any city, and the council of any town, may regulate or prohibit the playing of bands and of musical instruments on any street, highway, park or public place in the city, but this shall not apply to any military band attached to any regular corps of the militia of Canada when on duty under the command of its regular officers.

Rev. Stat. c.  
184, s. 479,  
sub-s. 16,  
amended.

**14.** Sub-section 16 of section 479 of *The Municipal Act* is amended by inserting in the fourth line thereof after the words "leading thereto" the words "and the construction and width of stairways in churches, theatres, halls, or other places used for public worship, public meetings or places of amusement, and in factories, warehouses, hotels, boarding and lodging houses."

Rev. Stat. c.  
184, s. 479,  
sub-s. 20,  
repealed.  
Trees on  
streets.

**15.** Sub-section 20 of section 479 of the said Act is repealed and the following substituted therefor:

(20) For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but any owner of adjoining property shall be entitled to ten days' notice of the intention of the council to remove such tree, shrub or sapling, and shall be entitled to be recompensed for his trouble in planting and protecting the same. No owner of adjoining property nor any pathmaster or other public officer, nor any other person, shall remove or cut down or injure such tree, shrub or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the municipal council having the control of the public place, square, highway, street, road, lane, alley or other communication; and any council may expend money in planting and preserving

preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes.

**16**—(1) Section 483 of the said Act is amended by adding thereto the following words “and such claim shall be made within one year from the date when the alleged damages were sustained or became known to the claimant, or in case of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant.”

Rev. Stat. c.  
184, s. 483,  
amended.  
Limitation of  
claims for  
compensation.

(2) This section shall not apply to real property taken or used by the corporation.

**17.** Clause (b) of sub-section 1 of section 489 of the said Act is amended by inserting the word “township” after the word “any” in the third line thereof.

Rev. Stat. c.  
184, s. 489,  
sub-s. 1 (b)  
amended.

**18.** Section 489 of the said Act is amended by inserting therein the following as sub-section 16a.

Rev. Stat. c.  
184, s. 489,  
amended.

16a. For inspecting and regulating the construction and erection of hoists, scaffoldings and other constructions used in the erecting, repairing, altering or improving buildings, chimneys, or other structures ; and for making all necessary regulations for the protection and safety of workmen and other persons employed thereon, and for appointing inspectors of scaffolding.

Construction  
of building  
scaffolding.

**19.** Section 495 of *The Municipal Act* is amended by adding thereto the following sub-sections :—

Rev. Stat. c.  
184, s. 495,  
amended.

13. For establishing schools for the training and education of artisans, mechanics and workmen in such subjects as may promote a knowledge of mechanical and manufacturing arts, and for acquiring such real property as may be requisite for such schools ; and for erecting and maintaining suitable buildings thereon ; and for improving and repairing such school buildings, and for disposing of such property when no longer required.

Establishment  
of schools for  
artisans.

(a) The councils of any municipalities establishing such schools may appoint boards of trustees or managers to conduct the schools, giving them such authority or power for the management of the same, as the councils may deem expedient.

14. For making grants in aid of such schools as may be deemed expedient.

Aid to such  
schools.

**20.** Clause a of sub-section 31 of section 496 of the said Act is repealed and the following substituted therefor :

Rev. Stat. c.  
184, s. 496,  
sub-s. 31 (a).  
repealed.

(a)

(a.) Every by-law changing the name of a street in a city or town, shall state the reason for the change, and shall not be finally passed until the same has been approved by the County Judge.

Rev. Stat., c.  
184, s. 496,  
sub-sec. 39  
amended.

**21.** Sub-section 39 of section 496 of the said Act, is amended by inserting the words, "electric light" before the word "telegraph" in the first line thereof.

Rev. Stat., c.  
184, s. 504,  
amended.

**22.** Section 504 of the said Act is amended by inserting therein the following as sub-section 5a.

Public  
bathing  
houses.

5a. For granting money to aid and assist in the construction of public bathing houses within the municipality, to borrow money for such purposes, and to issue debentures to secure the re-payment thereof.

Rev. Stat., c.  
184, s. 504,  
amended.

**23.** Section 504 of the said Act as amended by *The Municipal Amendment Act, 1890*, is further amended by adding thereto the following sub-section:—

Power to  
operate  
extension of  
street railway  
in adjoining  
municipality.

16. In addition to the powers given and contained in sub-section 14 of this section any city or town operating or proposing or intending to build or operate a street railway within its own limits may also pass by-laws for building, equipping, maintaining and operating any extension of any such street railway in any adjoining municipality with the consent of such adjoining municipality by by-law, and subject to and upon such terms as the Lieutenant-Governor in Council may approve, upon the same terms and subject to the same conditions and provisions of law as any street railway company may build, maintain or operate any street railway under *The Street Railway Act* or any amendments thereof; and such city or town building, constructing, owning or managing a street railway extending beyond its territorial limits and authorized as aforesaid and with the consent aforesaid shall not be held to be illegally expending money, merely because it is expended upon or in connection with such portion of said street railway as may extend beyond its territorial limits.

Rev. Stat., c.  
171.

**24.** Sub-section 4 of section 531 of *The Municipal Act* is amended by adding the words "or near to" after the word "in" in the third line thereof; and the said section 531 is further amended by striking out the words "provided nevertheless" in said sub-section 4 thereof, and all words subsequent thereto, and by adding the following sub-sections:—

Remedy over,  
for damages  
caused by non-  
repair of roads  
against persons  
causing  
same.

(5) The municipal corporation shall be entitled to such remedy over in the same action, if the other corporation or person shall be made a party to the action, and if it shall be established in the action as against the other corporation or person, that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid, placed, made, left



left or maintained by the other corporation or person, and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof, if the same is not already a defendant in the action jointly with the municipal corporation, and the other corporation or person may defend such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over, and the court or judge upon the trial of the action may order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein as in other cases.

(6) If such other corporation or person be not a party defendant to such action, or be not added as a party defendant or third party, or if the municipal corporation shall pay the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the municipal corporation, such municipal corporation shall have a remedy over, by action against any other corporation or person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained by the other corporation or person, provided always that such other corporation or person shall be deemed to admit the validity of the judgment, if any, obtained against such municipal corporation in cases only where a notice has been served on such other corporation or person pursuant to the provisions of rule 329 of the consolidated rules made under the authority of *The Judicature Act*, or where such other corporation or person has admitted, or is estopped from denying the validity of such judgment, and where no such notice has been served, and there has been no such admission or estoppel, and the other corporation or person has not been made a party defendant or third party to the action against such municipal corporation, or where such damages have been paid without action, or without recovery of judgment against the municipal corporation, the liability of the municipal corporation for such damages, and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other corporation or person, shall be established in the action against such other corporation or person in order to entitle the municipal corporation to recover in such action.

Where person causing damage has not been made a party.

**25.** Section 550 of *The Municipal Act* is hereby amended by adding thereto as sub-section (7a) the following:—

Rev. Stat., c. 184, sec. 5 amended.

(7a) For purchasing and holding by itself or jointly with any other municipality such land containing stone or gravel beds within its own or any adjoining municipality as may be necessary to procure stone or gravel therefrom for the purpose of constructing, maintaining or repairing any streets, roads or highways owned by such municipality, and sell and convey the same wherever the object for which the same was purchased shall no longer exist.

Power to purchase and hold land, stone or gravel beds.

Power to sell same.

Rev. Stat. c.  
184, s. 616,  
sub-s. 4 and  
53 V., c. 50, s.  
38, amended.

**26.** Sub-section 4 of section 616 of the said Act, as amended and consolidated by section 38 of *The Municipal Amendment Act, 1890*, is amended by striking out the words and figures "section 623 of this Act" in the 12th line of the said sub-section and inserting in lieu thereof the words and figures "sub-section 4 of section 618 of this Act."

53 V. c. 50, s.  
38, amended.

**27.** Sub-section 3 of section 620 of *The Municipal Act* as amended and consolidated by section 38 of *The Municipal Amendment Act, 1890*, is repealed and the following substituted therefor :—

Local im-  
provements.

(3) In case the council of such municipality is about to construct, renew or alter the character of a pavement on any street, highway or public place, or portion thereof, as a local improvement, the council may, before putting down such pavement, put in all necessary private drain connections, from any existing drain or sewer upon such street or portion thereof to the street line on each side of the drain or sewer, and also all necessary water mains, and may assess and levy the cost thereof, and of any alterations of service pipes and stop-cocks, necessitated thereby against the particular properties benefited thereby as part of the cost of the said local improvement, pursuant to the provisions of section 612 of this Act.

Rev. Stat. c.  
184, s. 620,  
sub-s. 7 and 53  
V., c. 50, s. 38  
amended.

**28.** Sub-section 7 of section 620 of *The Municipal Act* as amended and consolidated by section 38 of *The Municipal Amendment Act, 1890*, is amended by striking out the word "answerable" where it occurs in the second and eighth lines of said section and inserting in lieu thereof the word "assessable."

Rev. Stat. c.  
184, s. 629,  
sub-s. 2,  
amended.

**29.** Section 629 of *The Municipal Act* is amended by inserting in sub-section 2 after the words "frontage thereof" the words "or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council."

Rev. Stat.  
184, s. 630,  
sub-s. 2,  
amended.

**30.** Sub-section 2 of section 630 of the said Act is amended by adding after the word "works" in the seventh line of said sub-section, the words : "fire engine and appliances."

Rev. Stat.  
184, s. 630,  
amended.

**31.** Section 630 of the said Act is further amended by adding thereto the following sub-sections :—

Election of  
fire trustees.

(4) The council of a township may also by the same or any subsequent by-law, direct in any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased, that at the then next ensuing, and at each subsequent municipal election for the municipality, three trustees, with the powers and for the purposes hereinafter mentioned, be elected for the same periods of time and in the same manner as municipal councillors are elected

elected, provided, however, that no person shall have a vote at said election of said trustees unless he or she be the owner of real property defined by a by-law of the said municipality as real estate to be benefited by and charged with the cost of the purchase of such fire engine and appliances, and has the same qualifications as are required by this Act to enable owners of real estate to vote at municipal elections. Proviso

(5) The said trustees shall have the care, control and management of said fire engine and appliances.

**32.** Section 24 of *The Municipal Amendment Act, 1888*, is amended by inserting in the 16th line thereof after the word "works," the words "or to pay the expense of any extensions or improvements thereof already made or completed wholly or in part," and by substituting for the words "proposed extensions are" in the 24th line of said section, the words "said extensions are or were." 51 V. c. 28, s. 24 amended.

**33.** Section 42 of *The Municipal Amendment Act, 1890*, is amended by inserting the words "or town" immediately after the word "city" wherever the latter appears in said section. 53 V., c. 50, s. 42, amended.

**34.** Section 42 of *The Municipal Amendment Act, 1890*, is further amended by substituting for the words "section 612" in the first line the words "sections 612 to 623 inclusive." 53 V., c. 50, s. 42 amended.

**35.** Where local improvements benefiting real property have heretofore or shall hereafter be made under the provisions of the local improvement clauses of this Act the costs whereof, in whole or in part, have been charged upon or against the real property, the petitioning for or procuring to be made, or the making of any such local improvements, or the charging the costs thereof upon or against the real property, or the fact that they are a charge upon or against such real property, shall not be deemed to be a breach of the covenant by a vendor or person agreeing to sell that he has done no act to encumber the real property, except to the extent that the annual or other payments in respect of such charge are in arrear, and unpaid, but this shall not affect or apply to any case already adjudicated upon or now pending in litigation. Local improvement charge and covenant against incumbrances.

**36.**—(1) The majority in number of the persons shewn by the last revised assessment roll to be the owners of the real property comprised in any portion of a township, city, town or incorporated village to be defined in the petition hereinafter referred to, and who represent at least one-half in value according to such assessment roll of such property, may petition the council to aid any street railway company by granting money or debentures by way of bonus or gift or by way of loan to such company to assist in the construction of the railway to, through or partly through or near to such portion, and may in such petition define the manner and amount of the aid desired. Aid to street railways from portion of municipality.



By-law to be passed by council for levying rates, etc.

(2) Upon receipt of such petition, the council after the assent of a majority of the ratepayers within such portion of the municipality, who are entitled to vote thereon, has been obtained, in the manner provided by *The Municipal Act*, may pass the by-law for the granting of such aid in accordance with the petition and for raising the amount petitioned for in the portion of the municipality mentioned in the petition, by the issue of debentures of the municipality, and for the delivery of the debentures or the application of the amount to be raised thereby, as may be expressed in the by-law, and for the assessing and levying upon all the ratable real property lying within the portion of the municipality defined in the by-law an annual special rate for the repayment of the said debentures within twenty years, with the interest thereon payable yearly or half-yearly, which debentures the council, reeves and other officers of the municipality are hereby authorized to execute and issue.

Repayment of debentures and interest.

(3) The principal and interest of such debentures may be made repayable by annual instalments, as provided for by section 342 of *The Municipal Act*, or a sinking fund may be provided for by the by-law.

Arbitration as to rate for transfer tickets where two companies operating lines in municipality.

(4) In any and every case in which street railways lines are built by different duly incorporated street railway companies in the same or adjoining municipalities along different routes to the same terminal point, then in case an agreement cannot be arrived at between two such companies providing for the exchange and transfer of tickets for a continuous trip over both such lines or portion thereof, the matters in difference in respect thereof shall be referred to arbitration under the provisions of *The Municipal Act*.

Annual appropriation for travelling and other expenses.

**37.** The council of any city may include in the annual estimates a sum to be expended in the reception and entertainment of distinguished guests, and any travelling expenses necessarily incurred in and about the business of the corporation, which sum shall, in the case of cities having a population of 100,000 or over, be not more than \$5,000; in the case of other cities having a population of 20,000 and over, not more than \$1,000, and in the case of other cities, not more than \$500 in any year.

Power to construct roads, etc., in townships as local improvements.

**38.** In case all the owners of the property or lots abutting according to the original survey by the Crown on the road, street or public way hereinafter mentioned to be benefited thereby, in any part of any township, petition the council for the macadamizing, gravelling, planking or otherwise improving by approved material, and draining any road, street or public way (describing it), or building a bridge in connection therewith, the council may procure an engineer or provincial land surveyor to make an examination of the said road, street or public way so proposed to be improved, and may procure plans and

and estimates to be made of the said work by such engineer or surveyor of the real property, municipalities and corporations to be benefitted by such work, or the owners or occupants of which real property may or can use the same, stating as nearly as may be in the opinion of such engineer or surveyor the proportion of benefit to be derived therefrom by every road and lot or portion of lot, and of any railway or street railway, or municipality or corporation ; and if the council is of opinion that the proposed work or a portion thereof would be desirable, the council may pass by-laws :

1. For providing for the proposed work or a portion thereof being done, as the case may be.

2. For borrowing, on the credit of the municipality, the funds necessary for the work, although the same extends beyond the limits of the municipality (subject, in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the municipality to the requisite amount, including the costs of arbitration, if any, in sums of not less than \$100 each, and payable within twenty years or less from date, with interest at the rate of not less than four per cent. per annum.

**39.** The several provisions of *The Municipal Act* from section 569 to section 611, both inclusive, and the amendments thereto, not inconsistent with the last preceding section and in aid thereof, shall, *mutatis mutandis*, be applicable, as far as possible, to the making and improvement of the said road, street or public way, and the drainage and other work connected therewith, in manner hereinbefore provided, as if the said several sections related to roads and the improvement thereof, so as to make the said clauses efficient for the construction of roads in substantially the same way as drains are now constructed. Rev. Stat. c. 184, s.s. 569-611, to apply.

**40.** Any real property specially assessed by any council for any local improvement or work under the two last preceding sections of this Act may be exempted by the council, in whole or in part, from any general rate or assessment for the like purpose. Exemption of property specially assessed.

**41.** Any owner of real property to be benefitted by the construction of any work or improvement, the cost of which is payable by local special assessment under sections 612 to 623 of *The Municipal Act*, as amended and consolidated by section 38 of *The Municipal Amendment Act, 1890*, may, notwithstanding that his name does not appear on the last revised assessment roll of the municipality, petition for or against such local improvement upon satisfying the clerk of the municipality by a statutory declaration or otherwise that he is the owner Local improvements.

owner of the property instead of the person assessed therefor upon such last revised assessment roll.

Registration of plans in cities and towns.

42. Every person who is required to lodge with the registrar a plan or map of any survey or sub-division of land in any city or town shall at the same time deposit with said registrar a duplicate of such plan or map and the registrar shall endorse thereon a certificate, showing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the registrar to the treasurer or assessment commissioner of the municipality, upon request, and without any fee being chargeable in respect thereof. The provisions of section 88 of *The Registry Act* shall not apply to any plan or map, a duplicate of which has been deposited as required by this section; but, in case of neglect or refusal to comply with the provisions hereof, the penalty mentioned in the said section shall become payable.

Rev. Stat. c. 114.

Act incorporated with Rev. Stat. c. 184. Commencement of Act.

43. This Act shall be read with and shall form part of *The Municipal Act*, and shall come into force on the first day of July, 1891; except as to section 36, which shall come into force upon the passing hereof.

## CHAPTER 43.

### An Act to amend The Debentures Registration Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Application of Rev. Stat. c. 186, s. 11.

1. Section 11 of *The Debentures Registration Act* shall not apply to any municipal by-law registered under *The Municipal Act*.

## CHAPTER 44.

### An Act to amend The Public Parks Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat., c. 190, s. 2, sub-s. 2, ss. 3, 4, 5, and 12, and s. 13, sub-s. 3, amended.

1. Sub-section 1 of section 2, sections 3, 4, 5 and 12 and sub-section 3 of section 13 of *The Public Parks Act* are amended



amended by inserting the words "county, township or village" after the word "town" wherever the same occurs in the said section or sub-sections.

2. Sub-section 2 of section 2 of the said Act is hereby amended by inserting the words "county or " after the word "any" in the first line of the said sub-section, and by inserting the words "or township" after the word "town" in the third line of the said sub-section, and by inserting the words "or to the council of any village signed by not less than 75 electors" after the word "electors" in the third line of said sub-section. Rev. Stat., c. 190, s. 2, sub-s. 2, amended.

3. The following is added as sub-section 5 of section 2 of the said Act:— Rev. Stat., c. 190, s. 2, amended.

(5) In case a petition, signed as aforesaid, is presented to a county council it shall not be necessary before the final passing of a by-law to give effect to the said petition that the question shall be submitted for the assent of the electors of a county, provided the by-law on the final reading thereof shall be approved by three-fifths of the members of the council then present, but a by-law finally passed by the said three-fifths of the members then present of a county council shall be valid and binding without the assent of the electors.

4. Section 5 of the said Act is amended by inserting the words "or warden of the county or reeve of the village or township" after the word "town" in the second line of the said section 5, and by inserting the words "county, village or township" after the word "town" in the third line of the said section 5, and by inserting the words "warden or reeve" after the word "mayor" at the end of the said section 5. Rev. Stat., c. 190, s. 5, amended.

5. Sub-section 6 of section 6 of the said Act is amended by inserting the words "warden or reeve" after the word "mayor" wherever the same occurs in the said sub-section 6 Rev. Stat., c. 190, s. 6, sub-s. 6, amended.

6. Sub-section 2 of section 7 of the said Act is amended by inserting the words "county, village or township" after the word "town" in the said sub-section. Rev. Stat., c. 190, s. 7, sub-s. 2, amended.

7. Sub-section 2 of section 13 of the said Act is amended by inserting the words "or in counties" after the word "cities" in the fifth line of the said sub-section, and the words "villages or townships" after the word "towns" in the sixth line of the said sub-section. Rev. Stat., c. 190, s. 13, sub-s. 2, amended.

8. The several forms in the schedule of the said Act may be altered or modified to adapt them to the provisions hereof. Rev. Stat., c. 190, schedule amended.

## CHAPTER 45.

## The Assessment Amendment Act, 1891.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

53 V., c. 55,  
s. 4, sub-s. 1,  
repealed.

1. Sub-section 1 of section 4, of *The Act respecting exemptions from Municipal Assessments*, passed in the 53rd year of Her Majesty's reign, chaptered 55, is repealed and the following substituted therefor :—

Assessment of  
merchants.

(1) In the case of persons carrying on a mercantile business in a municipality the council of the municipality may pass a by-law or by-laws for imposing and levying an annual business tax in respect of all classes of mercantile business, without classification, or of any class or classes of mercantile business, provided that such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on ; and the council may in their by-law classify different kinds of mercantile business and fix the business tax on the respective classes at such a percentage on the annual value of the premises occupied within the limits provided by this section as to the council may seem reasonable ; and provided also that when a business tax is imposed the personal property belonging to the business, in respect of which the tax is imposed, shall not be liable to assessment or taxation otherwise.

Rev. Stat. c.  
193, sec. 53,  
amended.

2. Section 53 of The Assessment Act is amended by adding thereto the following sub-section :—

Additional  
rate percent-  
age to be  
added with  
taxes on non-  
resident lands

(4) The council may, by any by-law or by-laws, to be passed under sub-section (2) of this section, impose the said additional percentage charge on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, imposed on the lands of non-residents whose names have not been set down on the assessor's roll, which shall not be paid on or before the first day of November in each year, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, in the return required to be made under section 121 of this Act, and if such return shall be made before the first day of November, and the tax or assessment, rent or rate, or instalment thereof shall afterwards be paid on or before that day, such additional percentage shall not be chargeable by the treasurer of the county, city or town, or other official, as the case may be.

3. Section 121 of the said Act is amended by inserting after the word "taxes" in the sixth line thereof, the words "and percentages, if any, under section 53 hereof." Rev. Stat. c. 193, s. 121 amended.

4. Section 88 of the said Act, is amended by striking out "\$2" in the seventh line and substituting "\$1" in lieu thereof. Rev. Stat. c. 193, s. 88, amended.

5. Section 91 of the said Act, is amended by striking out the word "two" in the fourth line, and substituting the word "one" in lieu thereof. Rev. Stat. c. 193, s. 91, amended.

6. Section 97 of the said Act is amended by adding ing thereto the following sub-section :— Rev. Stat. c. 193, s. 97, amended.

(2) Every tenant farmer's son *bona fide* resident on the farm of his father or mother, shall be exempt from statute labour in the same manner as if he were the son of an owner and jointly assessed for the property upon which he resides as provided by section 2 of *The Franchise Assessment Act, of 1889*. Exemption of tenant farmer's sons from statute labour. 52 V. c. 40.

7. To remove doubt it is hereby enacted that no sale of lands for taxes or for rates under a drainage by-law shall invalidate or in any way affect the collection of a rate assessed against or imposed or charged upon such lands prior to the date of the sale, but which shall accrue or become due and payable after the rates or taxes in respect of which the sale is had became due and payable or after the sale. Sale of lands for taxes not to affect collection of other rates.

8. This Act shall be read with and shall form part of *The Assessment Act*, and shall come into force on the first day of July, 1891. Act incorporated with Rev. Stat. 193. Commencement of Act.

## CHAPTER 46.

### An Act respecting Local Option in the matter of Liquor Selling.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It is hereby declared that the Legislature of this Province by enacting section 18 of the *Act to improve the Liquor License Laws*, passed in the 53rd year of Her Majesty's reign, chaptered 56, for the revival of provisions of law which were in force at the date of *The British North America Act, 1867*, did Meaning of 53 V. c. 56, s. 18, declared.



did not intend to affect the provisions of section 252 of *The Consolidated Municipal Act*, being chapter 51 of the Acts passed in the 29th and 30th years of Her Majesty's reign by the late Parliament of Canada, which enacted that "No tavern or shop license shall be necessary for selling any liquors in the original packages in which the same have been received from the importer or manufacturer; provided such packages contain respectively not less than five gallons or one dozen bottles," save in so far as the said section 252 may have been affected by the 9th sub-section of section 249 of the same Act, and save in so far as licenses for sales in such quantities are required by *The Liquor License Act*; and the said section 18 and all by-laws which have heretofore been made or shall hereafter be made under the said section 18 and purporting to prohibit the sale by retail of spirituous, fermented, or other manufactured liquors, in any tavern, inn, or other house or place of public entertainment, and prohibiting altogether the sale thereof in shops and places other than houses of public entertainment, are to be construed as not purporting or intended to affect the provisions contained in the said section 252, save as aforesaid, and as if the said section 18 and the said by-laws had expressly so declared.

Rev. Stat. c.  
194.

Preamble.

2. Whereas doubts have arisen as to the power of this Legislature to enact the provisions of the said section 18 or of the said section as explained by this Act, and it is expedient to avoid a multiplicity of appeals involving the said question, the Lieutenant-Governor in Council is to refer to the Court of Appeal for Ontario under authority of *The Act for expediting the decision of Constitutional and other Provincial questions*, the question of the constitutional validity of the said section 18 and its true construction, effect and application.

Reference of  
constitutional  
questions to  
courts.

Reference to  
have priority  
of hearing in  
courts.

3. The reference under this Act to the Court of Appeal by the Lieutenant-Governor in Council is to be heard in priority to any other cause or matter in said Court, unless the Court otherwise orders.

Re-hearing  
where by-law  
already  
quashed.

4. In case any by-law passed under said section 18 is quashed before the passing of this Act the application may be reheard by the High Court of Justice, at the instance of the municipality which passed said by-law by motion on ten days' notice served on the relator, or within such further time as may be allowed by a judge of the High Court, and the court shall make such order for the rescission of the order to quash and as to costs as to the court shall seem meet.

Time for ap-  
peal.

5. The limit as to the time for appealing from the judgment or order of any court, in the case of quashing a by-law, or any other judgment, shall not apply to an appeal against a judgment or order quashing a by-law passed under the said section 18.

6. Where any such by-law has been quashed or has been passed and shall not be quashed before the determination of the questions referred under this Act, by the Lieutenant-Governor in Council, to the Court of Appeal, the license Commissioners, under the *Liquor License Acts*, are not to grant licenses to any new applicants, and may only extend the duration of any existing license, from time to time, for any specified period of the year, not exceeding three months at any one time in their discretion, upon payment of a sum not exceeding the proportionate part of the duty payable for such license for a year.

Extension of licenses until questions referred are determined.

7. All proceedings to quash by-laws passed under the authority of said section 18, or the enforcement of orders for payment of costs thereon shall be suspended, and no proceedings to quash other such by-laws shall be instituted until after the final determination of the questions to be referred as hereinbefore provided.

Suspension of proceedings pending to quash by-laws.

## CHAPTER 47.

An Act to amend the Act to regulate Travelling on Public Highways and Bridges.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of *The Act to regulate Travelling on Public Highways and Bridges* is hereby amended by striking out the word "shall," in the second line thereof, and substituting for it the word "may."

Rev. Stat. c. 195, s. 7 amended.

## CHAPTER 48.

An Act to amend the Act to prevent the spread of Noxious Weeds and of Diseases Affecting Fruit Trees.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the *Act to prevent the spread of Noxious Weeds and of Diseases Affecting Fruit Trees* is amended by striking out the first three lines thereof and substituting the following:—"2. It shall be the duty of every occupant of land, or if the land be unoccupied, it shall be the duty of the owner."

Rev. Stat. c. 202, s. 2 amended.

Rev. Stat. c. 202, s. 2., sub-sec. 1 amended. **2.** Sub-section 1 of section 2 of the said Act is amended by adding thereto the following:—"provided that such cutting or destruction does not involve the destruction of the growing grain."

Rev. Stat. c. 292, s. 3, sub-s. 1 amended. **3.** Sub-section 1 of section 3 of the said Act is amended by inserting the words "grain or" after the word "of" in the third line thereof.

Rev. Stat. c. 202, s. 10 amended. **4.** Section 10 of the said Act is amended by adding thereto the following sub-section:—

Penalty for sowing grain infected by smut. (5) Any person who sows any wheat or other grain knowing it to be infected by the disease known as smut without first using some proper and available remedy to destroy the germs of such disease shall upon conviction be liable to a fine of not more than \$20.

## CHAPTER 49.

### An Act to amend The Public Health Act.

[Assented to 4th May, 1891.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as "*The Public Health Act 1891.*"

Rev. Stat. c. 205, s. 99, sub-s. 3 repealed. 53 V. c. 61. **2.** Sub-section 3 of section 99 of *The Public Health Act* as added by section 1 of the "*Act to amend the Public Health Act with respect to the Sale of Milk and Meat from Animals affected with Tuberculosis,*" is repealed and the following substituted therefor:

Health officer to take action when aware of disease in animals, meat or milk. (3) Whenever a medical health officer from his own knowledge, or from information received from a veterinary surgeon or other qualified person, has reason to believe that any animal, or the meat or milk of any animal, is affected with any contagious or infectious disease named in section 2 of *The Animal Contagious Diseases Act*, chapter 69 of the Revised Statutes of Canada, 1886, or with the disease known as wens, clyers, actinomycosis or osteosarcoma, he may take action as provided under sub-section 1 of this section.

Appointment of health officers by county councils. **3.** Whereas it may be desirable in the interest of the public health, that there should be instituted a system of health inspection more thorough than is at present practicable owing to the expense attendant upon the appointment of an active and efficient medical health officer for every municipality, any county council may appoint one or more county or district medical health officers.



4. Where a county council appoints a county health officer or officers, the powers now possessed by medical health officers within the county or portion of a county for which such county health officer is appointed, shall be deemed to be thereby transferred to and vested in such county health officer or officers, and all sanitary inspectors within the jurisdiction to be defined in the by-law appointing a county health officer, shall be subject to his direction and control.

Powers of  
county  
officers.

5. The Lieutenant-Governor in Council may from time to time appoint district health officers for any unorganized district in the Province or any part thereof; and every health officer so appointed shall within the district or within the portion of a district for which he is appointed, have all the powers and perform all the duties by this Act, or *The Public Health Act*, or any other Act, conferred or imposed upon medical health officers or local boards of health in the Province, and shall also perform such other duties as the Lieutenant-Governor in Council may from time to time direct.

Appointment  
of officers in  
unorganized  
districts.

Rev. Stat. c.  
205.

6. The by-law or Order in Council appointing a county or district health officer shall provide for the payment of a salary to the officer so appointed.

Salaries of  
county and  
district  
officers.

## CHAPTER 50.

### An Act to amend The Ditches and Watercourses Act as applied to Railways.

[Assented to 4th May, 1891.]

WHEREAS there is a dispute as to whether all railways within this Province, or only certain of the railways therein are within the legislative authority of this Province for the purposes of the Act hereinafter mentioned; and whereas it has been suggested that the *Act to amend the Ditches and Watercourses Act as applied to Railways*, passed in the 53rd year of Her Majesty's reign, should have been expressed to refer to railways within the legislative authority of this Province; therefore in order to amend the said Act for the purpose of supplying the said words without prejudice to the said question:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 53rd year of Her Majesty's reign entitled *An Act to amend The Ditches and Watercourses Act as applied to Railways*, shall be deemed to apply, and to have been intended to apply, to such railways only as are under the legislative jurisdiction of this Province with respect to the matters by the said Act provided.

53 V. c. 69  
amended.

## CHAPTER 51.

An Act respecting disputes under the Drainage Laws.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Drainage Trials Act, 1891.*"

Appointment and powers and qualification of referee.

2.—(1) The Lieutenant-Governor in Council may appoint a Referee for the purpose of the drainage laws, that is to say, *The Ontario Drainage Act*, the provisions of *The Municipal Act* on the same subject, sections 569 and following sections, and all other Acts and parts of Acts on the same subject, and for the other purposes hereinafter mentioned.

(2) Such Referee shall be deemed to be an officer of the High Court.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

Rev. Stat. c. 44.

(4) The Referee shall have all the powers of an official referee under *The Judicature Act* and otherwise, and shall hold his office by the same tenure.

(5) The Referee shall also have the power of arbitrators under the said Acts ; he shall also have the powers of arbitrators under *The Municipal Act* with respect to compensation for lands taken or injured ; and he shall likewise have the powers of other arbitrators generally.

(6) The Referee shall have also, as respects proceedings before him, the powers of the judges of the High Court, including the production of books and papers, the amendment of notices of appeal, and of notices for compensation or damages, and of all other notices and proceedings ; the rectification of other errors or omissions ; the time and place of hearing, examination and viewing ; the assistance of engineers, surveyors or other experts ; and as respects all matters whatsoever incident to the trial and decision of matters before him, or proper for doing complete justice therein between the parties.

(7) The Referee shall have power to grant an injunction or a mandamus in any matter before him under this Act.

(8) All interlocutory and other applications for any of the said purposes shall be made to the Referee. His order thereon shall be subject to appeal where the decision of a judge of the High Court would in like case be so subject.

3. In all matters before the Referee, he shall, subject to appeal, have all the powers heretofore possessed by the High Court; and by the arbitrators respectively, as to determining the legality of all petitions, (including the original petition for the work) and of all resolutions, reports and provisional by-laws, whether the objections thereto are stated as grounds of appeal or not.

What may be determined by referee.

4. The said Referee is hereby substituted for the arbitrators provided for by the drainage enactments aforesaid.

Referee substituted for arbitrators.

5. Claims, matters and disputes which the said enactments provide for referring to arbitration, shall be instituted by serving a notice of appeal or notice claiming damages or compensation as the case may be upon the other parties concerned, the notice shall state the grounds of the appeal or claim. A copy of the notice shall be filed with an affidavit of service at the office of one of the registrars of the High Court to be from time to time designated by the Referee, and approved by the Lieutenant-Governor in Council, or with the local registrar or deputy clerk of the Crown of the county or one of the counties in which the lands in question are situate.

Commencement of proceedings.

6. In case of an appeal from the report of the engineer or surveyor referred to in sections 580 and 581 of *The Municipal Act*, the notice of appeal to the Referee shall state the grounds of appeal and shall be served at the time and in the manner provided by the said Act, and shall be filed with the officer named in the last section.

Appeals to referee from reports of engineers.

7.—(1) In case of an appeal from an assessment by the council of a municipality into which drainage works have been continued, or whose lands or roads are benefited without the drainage works being carried into the municipality, the council may, within twenty days from the day in which the copy of the engineer's report was served on the head of the municipality as by law provided, appeal therefrom, and for that purpose shall serve the head of the corporation from which the engineer's report was received with a written notice of appeal.

Proceedings where municipality appeals from drainage assessment.

(2). The notice of appeal shall within the said twenty days be filed with the registrar, local registrar or deputy clerk of the Crown aforesaid.

8. The final decision or report of the referee in matters of assessment, or the final decision or report as varied in appeal (as the case may be) as to the proportion of such assessment with which the lands and roads in each municipality are chargeable shall be incorporated into the by-law of the municipality initiating the proceedings to which such decision or report refers, and shall be inserted in and carried into effect by by-laws of the other municipalities to which such assessment may extend under the provisions of section 580 of *The Municipal Act*.

Decision of referee to be inserted in and given effect to by by-law.

Rev. Stat. c. 184.



Drainage disputes may be referred.

9. In case a dispute arises between municipalities, or between a company and a municipality, or between individuals and a municipality or company, or between individuals as to damages alleged to have been done to the property of the municipality, company or individual, in the construction of drainage works, or consequent thereon, the municipality, company or individual complaining may refer the matter to the arbitration and award of the said Referee, who shall hear and determine the same, and give in writing his award and decision, and his reasons therefor.

Notice of appeal to be given to referee.

10. The officer with whom notice of appeal is filed under this Act shall forthwith give notice thereof to the Referee.

Actions for damages may be referred.

11. Any action for damages from the construction or operation of drainage works may at any time after the issue of the writ be referred to the said Referee by the Court or a judge thereof.

Procedure upon reference may be directed by referee.

12. The Referee may at any time after an appeal or a reference is made as hereinbefore provided, give directions for the filing and serving of objections and defences to such appeal or reference, and for the production of documents and otherwise, and may give an appointment to either or any party to the appeal or reference, to proceed therewith at such place and time, and in such manner as to the Referee may seem proper, and the matter shall be proceeded with in all respects as the Referee from time to time directs. The trial shall take place in the county or one of the counties in which the drainage works are constructed or to be constructed.

Judgment to state when referee has proceeded on technical knowledge.

13. In the event of the Referee proceeding partly on view or on any special knowledge or skill possessed by himself, he shall put in writing as part of his reasons a statement of such matter sufficiently full to allow the Court of Appeal to form a judgment of the weight which should be attached thereto.

Appointment of shorthand writer to report proceedings.

14. A shorthand writer may be appointed by the Lieutenant-Governor in Council to report hearings or trials before the Referee, and every such officer shall be deemed to be an officer of the High Court, and shall be paid in the same manner as shorthand writers in the High Court are paid; and the several sections of *The Judicature Act* respecting shorthand writers shall apply to shorthand writers under this Act.

Rev. Stat. c. 44.

Report, etc., of referee to be given to parties.

15. The report of the Referee with the evidence and exhibits and the reasons of his decision shall be filed in the office aforesaid, and notice of the filing shall forthwith be given

given by the officer by post or otherwise to the solicitors of parties appearing by solicitor, and to the clerk of the municipality or other corporation, and other parties not appearing by solicitor. A further copy of the report alone shall also be filed with the said registrar of the High Court, where the other proceedings have been filed with any other of the officers aforesaid.

**16.** A copy of the report certified by the Referee or officer aforesaid shall be sent or delivered to the clerk of every municipality interested in the drainage works in question, and shall be kept on file as a public document of the municipality. Certified copies to be sent to clerks of municipalities.

**17.** The report or decision of the Referee, whether on any appeal or reference under this Act, or on a reference under section 101 or 102 of *The Judicature Act*, shall be binding and conclusive upon all parties thereto unless appealed from within one month after the filing thereof to the Court of Appeal. The report or decision may be appealed against to the Court of Appeal in the same manner as a decision of a judge of the High Court is appealed from. Appeals. Rev. Stat. c. 44.

**18.** In case of no appeal, exhibits may be delivered out to the parties entitled to same, at the expiration of thirty days from the deposit of the decision or report in the proper office. Where no appeal exhibits may be returned.

**19.** Where a party brings an action for damages in a case in which, according to the opinion of the court in which the action is brought or a judge thereof, the proper proceeding is under this Act, the court or judge on the application of either party or otherwise, may order the action to be transferred to the said Referee at any stage of the action and on such terms as to costs or otherwise as the court or judge sees fit; and the Referee shall thereupon give such directions as to the prosecution of the claim before him as may seem just or convenient, and, subject to the order of transfer in this behalf, the costs of the proceedings shall be in the discretion of the Referee. In case no such application or order is made, the court in which the action is brought or a judge thereof shall have jurisdiction to dispose thereof as a matter within the jurisdiction of the court, subject to appeal, and notwithstanding anything in this Act or other Acts hereinbefore mentioned and the jurisdiction of the High Court in such cases shall be deemed to include all the relief within the powers of the referee as well as any other relief within the powers of the High Court. Transfer of actions for damages for trial by referee.

**20.** In case any matter under this Act is appointed to be heard in any city, town or place in which a court house is situated the Referee shall have in all respects the same authority Use of court house when hearing in city or towns.  
as

as a judge of the High Court in regard to the use of the court house and other place or apartments set apart in the county for the administration of justice.

Sheriffs and peace officers to assist referee.

**21.** Sheriffs, deputy-sheriffs, constables and other peace officers shall aid, assist and obey the Referee in the exercise of the jurisdiction conferred by this Act whenever required so to do.

Practice.

**22.** Except as this Act otherwise provides, and subject to the provisions thereof, the rules and practice for the time being of the High Court of Justice are to be followed so far as the same are applicable.

Judges of Supreme Court may make rules.

**23.** The judges of the Supreme Court shall have the same authority for making general rules and orders with respect to matters in this Act as they have with respect to *The Judicature Act*, and sections 105 to 108 of *The Judicature Act* shall apply thereto.

Referee may make rules for practice and tariff of fees.

**24.**—(1) Subject to any such general rules or orders, the Referee shall have power, with the approval of the Lieutenant-Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings under this Act, and also to frame tariffs of fees to be paid.

Publication of rules and tariffs.

(2) Such rules and tariffs, whether made by the judges or the Referee, shall be published in the *Ontario Gazette*, and shall thereupon have the force of law; and the same shall be laid before the Legislative Assembly at its next session after promulgation thereof.

Tariff of county court to govern in meantime.

(3) Meanwhile the tariff of the County Court shall be the tariff of proceedings for solicitors and officers under this Act, and the Referee shall have the powers of the county judge with respect to counsel fees, and shall have the further power of allowing further counsel fees in case of a trial occupying more days than one.

Taxation of costs.

(4) Costs are to be taxed by the Referee; or he may direct the taxation thereof by the officer named in the fifth section.

Fees payable in stamps.

(5) Fees shall be paid in stamps or otherwise in the same manner as in case of other proceedings in the said courts respectively, until other provision is made in that behalf by competent authority.

Provision for payment of salary of referee and expenses.

(6) To provide a fund for or towards the payment of the Referee's salary and other expenses, there shall be further payable a sum to be determined by the Referee and mentioned in



in his report or in a subsequent report, the same not to exceed the rate of ten dollars a day for every full day the trial may occupy and to be paid in stamps, and the said sum shall be paid by one, or other of the parties or distributed among the parties, as the Referee directs.

(7) Reports are not to be given out until stamped with the necessary stamps. Reports to be stamp before

(8) The Referee shall be paid a salary of three thousand dollars to be paid monthly, and reasonable travelling expenses. Salary of referee.

25. This Act shall be read as part of the several Acts therein mentioned, and each and every of them. Act incorporated with other provisions.

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## CHAPTER 52.

### An Act to prevent the Extermination of the Plant called Ginseng.

*[Assented to 4th May, 1891.]*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Except for the purpose of clearing or bringing land into cultivation, no person shall, between the first day of January and the first day of September in any year, cut, root up, gather or destroy the plant known by the name of ginseng, whenever such plant may be found growing in a wild or uncultivated state. Destruction of ginseng prohibited.

2. Any person who contravenes the provisions of this Act shall, for every such offence, upon summary conviction before any justice of the peace, be subject to a penalty of not less than \$5 or more than \$20, together with costs of prosecution, and one-half of such penalty shall be paid to the prosecutor, unless otherwise ordered by the said justice convicting. Penalty for contravention of Act.

## CHAPTER 53.

## An Act to Encourage the Breeding of Trotting Horses.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Prohibition of fraudulent entries for races.

1. No person shall enter or cause to be entered for competition for any purse, prize, premium, stake or sweepstake, offered or given by any agricultural or other society, or association where the contest is to be decided by speed, any horse, colt or filly, under a false or assumed name or pedigree, or in a class different to which such horse, colt or filly, properly belongs by the rules of the society or association in which such contest is to take place.

Name not to be changed after entry.

2. The name of a horse, colt or filly, for the purpose of entry for such competition in any contest of speed, shall not be changed, after having once been entered in any such contest, except as provided by the code of rules of the society or association under which the contest is conducted.

Classification of horses, etc., for purposes of contest.

3. The class to which a horse, colt or filly properly belongs, for the purpose of entry in any such contest of speed shall be determined by the public performance of such horse, colt or filly in some former, if any, contest or trial of speed, as provided by the rules of the society or association, under which the proposed contest is to be conducted.

Penalty for violation of Act.

4. Any person violating any of the provisions contained in this Act, shall be guilty of an offence thereunder and shall, on conviction before any justice of the peace, under a prosecution to be commenced within two years from the commission of the offence, forfeit and pay a sum not less than \$50 nor more than \$200 for each offence, together with costs, and in case of non-payment shall be liable to imprisonment for a term not exceeding six months.

## CHAPTER 54.

An Act Consolidating and Revising the Laws respecting  
• the Education Department.

[Assented to 4th. May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Education Department Act, 1891.* Short title.

2. There shall continue to be a Department of Education, which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant Governor; and one of the said Executive Council, to be nominated by the Lieutenant Governor, shall hold the office of "Minister of Education." R. S. O. c. 224, s. 1. Department established.

3. There may be established, subject to the provisions of any statute in that behalf and to the regulations of the Education Department, the following classes of schools, viz.:— Schools to be established under regulations of department.

(1) Kindergarten Schools for pupils between four and seven years of age in which instruction shall be given according to Kindergarten methods; Kindergarten schools.

(2) Public Schools for pupils between five and twenty-one years of age in which instruction shall be given in the elements of an English and commercial education; Public schools.

(3) Night Schools for pupils over 14 years of age who are unable to attend school during the usual school hours; Night schools.

(4) High Schools and Collegiate Institutes for such pupils as pass the prescribed entrance examination, in which instruction shall be given in the higher branches of a practical English and commercial education, the natural sciences, mathematics and the Greek, Latin, French and German languages; High schools and Collegiate institutes.

(5) Art Schools for instruction in mechanical, industrial and constructive drawing, and other branches of a technical education; Art schools.

(6) County Model Schools for the training of candidates for teachers' third-class certificates; Model schools.

(7) Normal Schools for the training of candidates for teachers' second-class certificates; Normal schools.

(8) Schools of Pedagogy for the training of candidates for teachers' first-class certificates, and for the training of teachers of high schools and collegiate institutes; Schools for training teachers.

(9)



Teachers' Institutes.

(9) Teachers' Institutes for the reading of papers and the general discussion of educational topics ;

Mechanics' Institutes.

(10) Mechanics' Institutes for the establishment of libraries, reading rooms and evening classes for mechanics and artisans ;

Industrial schools.

(11) Industrial Schools for the instruction in industrial pursuits with a special view to their moral reformation, of children whose habits render removal from their homes necessary. (*New.*)

Powers of department to make regulations as to certain matters.

4. The Education Department shall have power, subject to the provisions of any statute in that behalf, to make regulations :—

(1) For the classification, organization, government and examination of all schools and institutes in the preceding section mentioned, and for the equipment of school houses and the arrangement of school premises ;

(2) For the authorization of text-books for the use of pupils attending such schools or institutes, and for the selection of books of reference for the use of teachers and pupils, and school libraries ;

(3) For determining the qualifications and duties of inspectors, examiners and teachers of such schools and institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose ;

(4) For the payment of the pensions of superannuated inspectors and teachers, and the proper distribution of all moneys set apart by the Legislative Assembly for school purposes ; R. S. O. c. 224, s. 4.

(5) For extending on the petition of a board of school trustees, and on such evidence as to efficiency as may be deemed necessary, any third class certificate issued under the authority of *The Public Schools Act* ;

Rev. Stat. c. 225.

(6) For the study of agriculture and for scientific instruction as to the nature of alcoholic stimulants and narcotics with special reference to their effect upon the human system.

Powers of department.

5. The Education Department shall have power :—

(1) To appoint inspectors of high schools, separate schools and county model schools, masters of normal and model schools, and directors of teachers' institutes ;

(2) To affiliate with the schools of pedagogy such high schools or collegiate institutes as may be necessary for practical instruction in the art of teaching ;

(3) To determine the fees to be paid by candidates at departmental examinations ;

(4)

(4) To accept in such subjects as may be deemed expedient, the examination of any university in the British Dominions in lieu of the departmental examinations ;

(5) To prescribe such forms for school registers and departmental reports as may be deemed expedient ;

(6) To accept, on passing the annual departmental examination, the professional or training certificate of any normal school or other training institution, in the British Dominions ;

(7) To set apart a separate school in any county as a model school for the training of teachers for separate schools, and in such case, or where from the special circumstances of the separate schools in any county it may be deemed expedient, to appoint one competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the said board. R. S. O. c. 224, s. 4. Rev. Stat. c. 225.

6. The Minister of Education shall report annually to the Lieutenant-Governor upon all the schools and institutes herein mentioned, with such statements and suggestions for promoting education generally as he may deem useful and expedient. R. S. O. c. 224, s. 5. Annual report to be made by Minister of Education.

7. The Minister of Education shall have power to submit a case on any question arising under *The Public Schools Act*, or *The High Schools Act*, or under *The Separate Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for its opinion and decision. R. S. O. c. 225, s. 237. Minister may submit questions arising upon school law to High Court.

8. The Minister of Education shall have power to decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer. R. S. O. c. 224, s. 6. Power to settle disputes and complaints.

9.—(1) Every regulation or Order in Council made under this Act or under the public, separate or high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such regulation or Order in Council, and if the Legislature is not in session such regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such regulation or Order in Council is made ; Regulations and Orders in Council to be laid before the Legislative Assembly.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution

resolution of such regulation or Order in Council either wholly or of any part thereof, the regulation or Order in Council, so far disapproved of, shall have no effect from the time of such resolution being passed. R. S. O. c. 224, s. 7.

Rev. Stat., c.  
224, repealed.

**10.** Chapter 224 of the Revised Statutes of Ontario, 1887, is repealed, and this Act shall be deemed to be substituted therefor.

Powers of  
minister as to  
separate  
schools not  
affected.

**11.** Except as provided in sections 5 and 7 of this Act nothing in this Act contained shall be deemed, taken or construed as, in any manner or for any purpose, altering, varying or affecting any power, right or authority which, before the passing of this Act, was by law vested in or held, had or possessed by the Minister of Education or the Department of Education in respect either of Roman Catholic Separate Schools or of any matter or thing whatsoever pertaining to or affecting said Separate Schools.

## CHAPTER 55.

### An Act Consolidating and Revising the Public Schools Acts.

[Assented to 4th May, 1891.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as "*The Public Schools Act, 1891.*"

Interpreta-  
tion.

**2.** Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears.

"Teacher."

**1.** "Teacher" shall mean any person holding a legal certificate of qualification;

"County."

**2.** "County" shall include a union of counties;

"Township."

**3.** "Township" shall include unions of townships made for municipal purposes;

"School site."

**4.** "School site" shall mean such area of land as may be necessary for the school building, teacher's residence, caretaker's residence, offices and play-grounds connected therewith;

"School  
section."

**5.** "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one public school corporation;



6. "Owner" shall include a mortgagee, lessee or tenant, or "Owner," other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided ;

7. "Ratepayer" shall mean any person entered on the last "Ratepayer," revised assessment roll of the school section for public school rates ; R. S. O. c. 225, s. 2. (*Amended.*)

8. "Board of trustees" shall include a board of education "Board of trustees." in all cases of a union between public and high school trustees. (*New.*)

3. All regulations made under the *Act respecting the Education Department* shall apply to any matter or thing in this Act contained, so far as the same may be consistent with this Act, though not specially referred to in any section thereof. (*New.*) Application of regulations under Rev. Stat. c. 224.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools. R.S.O. c. 225, s. 3. No rate on supporters of Roman Catholic separate schools.

5. All unions of public and high school trustees, all boards of education, and all public school sections or other public school divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act comes into force, shall be subject to the provisions of this Act. R. S. O. c. 225, s. 219, *part*, s. 4. (*Amended.*) Existing school arrangements continued.

6. The term for which each school trustee holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act. R.S.O. c. 225, s. 5. Trustees, term of office of.

7. The trustees of every school section shall be a corporation under the name of "The Board of Public School Trustees for School Section of the Township of in the County of ." R. S. O. c. 225, s. 33. Trustees to be a corporation.

#### BOARDS OF EDUCATION.

8—(1) The union of the trustees of any public and high school for the joint management of the public and high schools of any municipality shall form one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (*as the case may be.*) Boards of education shall have the power of both public and high school trustees. A majority of the members shall form a quorum. R. S. O. c. 225, ss. 219, 220. (*Amended.*) Unions of public and high school boards.

Dissolution of boards of education.

(2) If at any meeting of a board of education called for that purpose, a majority of all the members thereof vote in favor of the dissolution of any board of education, such board shall be dissolved on and after the close of the current calendar year. (*New.*)

Trustees representing public school to continue in office.

(3) In case any board of education is dissolved, all members of such board of education who were elected on behalf of the public school shall be the board of trustees for such public school to hold office for the full term of their election, or until their term expires, according to the provisions of this Act. (*New.*)

Disposition of property on dissolution.

(4) In the case of such dissolution as aforesaid all school property held by the joint corporation for public school purposes shall be vested in the public school board of trustees, subject to any trust for high school purposes attached thereto, and any other property held or possessed jointly by the corporation before dissolution, shall be divided as may be agreed upon by the trustees of the high school and public school respectively at a meeting called for that purpose. If no division is made within six months after this Act takes effect, then the division shall be made forthwith by the council of the municipality within which the public school is situated, R.S.O. c. 225, ss. 222, 223.

Union boards illegal hereafter.

(5) It shall not be lawful for the trustees of any public school to unite hereafter with the trustees of any high school to form a board of education. R.S.O. c. 225, s. 225.

#### PUBLIC SCHOOLS TO BE FREE.

Public schools to be free.

9—(1) All public schools shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend kindergarten schools from four to seven years of age. R.S.O. c. 225, s. 6. (*Amended.*)

Attendance of children of non-residents.

(2) In any school section where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of such section on the same terms and conditions as the children of residents. (*New.*)

#### RELIGIOUS INSTRUCTION.

Pupils not to be required to join in religious exercises objected to by their parents.

10. No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians. R.S.O. c. 225, s. 7.

To receive religious instruction as their parents desire.

11. Pupils shall be allowed to receive such religious instructions as their guardians or parents desire, according to any regulations provided for the organization, government and discipline of public schools. R.S.O. c. 225, s. 8.

## RURAL PUBLIC SCHOOLS.

**12**—(1) The municipal council of every township (except where township boards have been established), shall subdivide the township into school sections, so that every part of the township may be included in some section, and shall distinguish each section by a number; provided that no section formed hereafter shall include any territory distant more than three miles in a direct line from the school-house. School sections in townships. R. S. O. c. 225, s. 9. (*Amended*).

(2) Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which such land or property is situate. Assessors to value lands situated in each section. R.S.O. c. 225, s. 119.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the section, unless such section is more than four square miles in area, except in cases where such area cannot be obtained because of lakes or other natural obstacles. Area of new school sections. R.S.O. c. 225, s. 10. (*Amended*)

**13.** It shall be the duty of every township clerk to prepare in duplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; to furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation. Township clerk to prepare maps of school sections. R.S.O., c. 225, s. 11.

**14.** For every rural school section there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. Trustees, term of office of. R. S. O. c. 225, s. 12.

**15.** The persons qualified to be elected trustees shall be such persons as are resident ratepayers of the full age of twenty-one years, and not disqualified under this Act. Trustees, qualification of. R. S. O. c. 225, s. 13.

**16.** Every ratepayer of the full age of twenty-one years, who is a public school supporter of the section for which he is such ratepayer, shall be entitled to vote at any election for school trustee, or on any school question whatsoever. Electors, qualification of. R. S. O. c. 225, s. 14.

**17.** A meeting of the ratepayers of every section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing Annual meeting, when held.



mencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. R. S. O. c. 225, s. 15.

Meetings to be called in default of first or annual meeting.

**18.** In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R. S. O. c. 225, s. 16.

Order of business.

**19.**—(1) The ratepayers of a school section present at any school meeting shall elect one of their own number as chairman to preside over its proceedings, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as may be required of him by this Act.

(2) The business of every school meeting may be conducted in the following order:—(a) receiving the annual report of the trustees, and disposing of the same; (b) receiving the annual report of the auditor or auditors, and disposing of the same; (c) electing an auditor for the ensuing year; (d) miscellaneous business; (e) electing a trustee or trustees to fill any vacancy or vacancies. R. S. O. c. 225, s. 17. (*Amended.*)

#### DUTIES OF CHAIRMAN.

Chairman, duties of.

**20.** The chairman shall submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting. R. S. O. c. 225, s. 18.

Poll to be granted on application of two ratepayers.

**21.**—(1) A poll may be demanded by any two ratepayers at any meeting for the election of trustees, or for the settlement of any school question, and such poll shall be granted by the chairman forthwith, if demanded, within ten minutes after the vote of the meeting has been declared from the chair.

Proceedings in case of a poll.

(2) When a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election within the time prescribed by this Act, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter.

(3) When a poll is granted upon any public school question the name of each voter shall be similarly placed in separate columns, marked "for" or "against." Entries in poll-book. R. S. O. c. 225, ss. 19, 20. (*Amended.*)

**22.** In case objection is made to the right of any person to vote at any school meeting, the chairman of the meeting, or other presiding officer, shall require such person to make the following declaration or affirmation : When voter is objected to.

(1) I, *A. B.*, do declare and affirm that I am an assessed ratepayer in school section No. Declaration.

(2) That I am of the full age of 21 years ;

(3) That I am a supporter of the public school in said school section No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. R.S.O. c. 225, s. 21. (*Amended.*)

**23.** The poll at every election of a rural school trustee or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced ; and when such poll is closed the chairman and secretary shall count the votes polled for the respective candidates or for the school question submitted, as the case may be, and shall declare the candidate elected, or the school question adopted, for which the highest number of votes was polled, or in case of a tie the chairman shall give the casting vote. R. S. O. c. 225, s. 22. When poll shall close.

**24.** The secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office unless a notice to the contrary effect has been delivered by him to such secretary within twenty days after the date of such election. R. S. O. c. 225, s. 23. Acceptance of office by trustees.

**25.** Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. R. S. O. c. 225, s. 24. Term for vacancies.

**26.** Any trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. R. S. O. c. 225, s. 25. Trustees may resign.

**27.** Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R. S. O. c. 225, s. 26. Re-election of any trustee lawful.

Corporation  
not to cease  
by want of  
trustees.

Tenure of  
office.

Council may  
appoint trust-  
tees when no  
election.

Dissolution of  
school section  
on non-elec-  
tion of trust-  
tees.

Proceedings  
on formation  
of new school  
section.

How meeting  
to be  
organized.

Term of office  
of each trust-  
tee.

First.

Second.

Third.

Order of  
seniority of  
trustees.

**28.**—(1) No school corporation shall cease to exist by reason of the want of trustees, but in case of such want any two ratepayers of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in section 17 and the following sections of this Act; and the trustees thus elected shall hold and retire from office in the manner prescribed by section 30 of this Act. R. S. O. c. 225, s. 27.

(2) When the ratepayers of any school section, for two years neglect or refuse to elect trustees, after being duly notified as herein provided, the municipal council of the township may appoint trustees for the said school section, who shall hold office for the same term as if elected by the ratepayers; or the municipal council may by by-law declare such section dissolved, and shall (in case of dissolution) attach the same, in such proportions as they may deem expedient, to adjoining sections. The assets of every section so dissolved shall be disposed of as may be determined by the municipal council. R. S. O. c. 225, s. 27 (2). (*Amended*).

**29.** Where a new school section is formed in any township as provided in this Act, the clerk of the township shall cause notice to be posted in three of the most public places in the new school section, calling the first annual meeting thereof, at least six days before the last Wednesday in December, in the year in which such new school section was formed; and the first meeting in every new school section shall be held at the same time as the annual meeting in school sections. The meeting shall be organized, and the proceedings conducted, as near as may be, according to the provisions of sections 19 to 24 of this Act, inclusive. R. S. O. c. 225, ss. 28 29.

**30.** The trustees elected at the first meeting in every new school section shall respectively continue in office as follows:—

1. The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected;

2. The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected;

3. The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected;

4. In case of a poll being taken for one or more trustees at the first meeting in a new school section, then the trustees shall rank in seniority according to the number of votes polled, and in case of a tie, then in the order of their nomination. R. S. O. c. 225, s. 30.



**31.** A correct copy of the minutes of the first and of every annual and of every special school meeting, and a copy of the poll-book where a poll has been taken, (all of which shall be signed by the chairman and secretary), shall be forthwith transmitted by the chairman of the meeting to the county inspector. R. S. O. c. 225, s. 31. (*Amended.*)

Copy of minutes to be sent to inspector.

**32.** When complaint is made to the inspector by any ratepayer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been in conformity with this Act, the inspector shall investigate the same, and confirm or set the election or proceedings aside, and appoint the time and place for a new election, or for the reconsideration of the school question at issue, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within twenty days after the holding of the election or meeting. R. S. O. c. 225, s. 32.

Complaints as to elections.

**33.—(1)** Every board of school trustees shall be organized by the election of a chairman and a secretary-treasurer. A majority of the board shall form a quorum.

Organization of board.

(2) The secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality. R. S. O. c. 225, s. 33, (2) (3).

Security to be given by secretary-treasurer.

(3) The secretary-treasurer may be allowed such compensation for his services as secretary or for attending to the repairs of the schoolhouse or premises as shall be agreed upon by resolution of the annual meeting duly entered on the minutes. (*New.*)

Compensation of secretary-treasurer

**34.** It shall be the duty of the secretary-treasurer :—

Duties of secretary-treasurer.

1. To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ;

2. To receive all school moneys collected from the ratepayers of the section or other persons, and to account for the same ;

3. To disburse all moneys in the manner directed by a majority of the trustees ;

4. To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ;

5. To call, at the request in writing of two trustees, or on the petition of ten ratepayers, a special meeting of the board of trustees. R. S. O. c. 225, s. 34. (*Amended.*)

Notice of  
meetings,  
how given.

**35.** Notice of all meetings shall be given by the secretary-treasurer to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. R. S. O. c. 225, s. 35.

Corporate acts  
must be  
adopted at  
lawful trustee  
meetings.

**36.** No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding on any person affected thereby, unless notice of such meeting has been given as required by this Act, and unless a minute of such act or proceeding is made in writing and signed by two of the trustees. R.S.O. c. 225, s. 36. (*Amended.*)

#### AUDITORS.

Appointment  
of auditors.

**37.**—(1) Every board of school trustees shall, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall at the request in writing of any two ratepayers make the appointment.

Trustees and  
secretary-  
treasurer to  
lay accounts,  
etc., before  
auditors.

(2) The trustees, or their secretary-treasurer shall lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditure of school moneys. R. S. O. c. 225, s. 37.

Time of  
audit.

(3) The auditors appointed or one of them, shall, on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. R. S. O. c. 225, s. 38.

Duties of  
auditors.

**38.** It shall be the duty of the auditors of every school section:—

1. To examine into and decide upon the accuracy of the accounts of the section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting.

2. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the county inspector.

3. If both of the auditors object to the lawfulness of any expenditure made by the trustees, they shall submit the matters

matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final. R. S. O. c. 225, s. 39, *part*.

**39.** It shall be competent for the auditors or one of them :— Powers of auditors.

(1) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them, or either of them, to produce ;

(2) To administer oaths to such persons and witnesses ;

(3) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs by seizure and sale of the property of the party of corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court ;

(4) The auditors shall remain in office until their audit is completed. R. S. O. c. 225, s. 39, *part*.

#### DUTIES OF TRUSTEES.

**40.** It shall be the duty of the trustees, and they shall have Powers and duties of trustees. power :—

1. To take possession of and to hold all property which has been acquired or given for public school purposes in the section, including any land, movable property, moneys or income given or acquired at any time for public school purposes, and to hold or apply the same according to the terms on which the same were acquired or received ; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause ; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act. ; R.S.O. c. 225, s. 40,-9. Custody and disposal of school property.

2. To keep the school-house, furniture, outbuildings, and enclosures in proper repair, and to keep the well, closets and premises generally in proper sanitary condition and where there is no suitable school-house belonging to the section, or where two or more school-houses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, out-buildings and enclosures in proper repair, and to keep the school-house insured, if required so to do by resolution of a meeting of the ratepayers of the section ; R. S. O. c. 225, s. 40,-5. (*Amended*.) Repairing, etc., school-house.



Adequate accommodation to be provided.

3. To provide adequate accommodation and a legally qualified teacher or teachers, for two-thirds of the children between the ages of five and sixteen years, whose parents or guardians are residents of the section, as ascertained by the census taken by the municipal council for the next preceding year; provided always such children are not to include the children of persons on whose behalf a separate school is established according to the provisions of *The Separate Schools Act*; R.S.O. c. 225, s. 40,-2. (*Amended*.)

Rev. Stat. c. 227.

Visiting schools.

4. To visit, from time to time, every school under their charge, and to see that it is conducted according to this Act and the regulations of the Education Department; R.S.O. c. 225, s. 40,-10, *part*

Dismissal of refractory pupils.

5. To dismiss from the school any pupil whom they and the principal of the school have adjudged so refractory that his presence in school is deemed injurious to the other pupils, and to remove, where practicable, such pupil to an industrial school; R. S. O. c. 225, s. 40,-8.

Text-books.

6. To see that the pupils use authorized text-books and no other; and that the school is supplied with a visitor's book, register, and suitable maps, globes, apparatus and other equipment and to procure annually, for the benefit of their school section, some periodical devoted to education, and to do whatever they may deem expedient in regard to procuring prize and library books for their school; R. S. O. c. 225, s. 40,-10, *part*, 11. (*Amended*).

Exemption of indigent persons from school rates.

7. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August, and when deemed necessary to provide for the children of such persons text books and other school supplies at the expense of the section; R. S. O. c. 225, s. 40,-7. (*Amended*.)

Apply to municipality for school moneys.

8. To apply to the township council on or before the first of August to levy and collect by rate all sums necessary for the support of their school, or for any other school purposes authorized by this Act to be collected from the ratepayers of such section; R. S. O. c. 225, s. 40,-3, *part*.

Payment of teachers' salaries.

9. To provide for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected; R. S. O. c. 225, s. 40,-4.

Names and addresses of trustees and teachers to be given to township clerk.

10. To give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the township in which their school is situate, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein; R. S. O. c. 225, s. 40,-6.

11. To appoint the place of each annual school meeting of the ratepayers of the section; or to call a special meeting of the ratepayers when they deem expedient or when petitioned to that effect by ten ratepayers of the section, for filling any vacancy or vacancies in the board of trustees occasioned by death, removal, or other cause; or for the selection of a new school site; or the appointment of a school auditor; or any other lawful school purpose; and to cause notices of the time and place, and of the objects of such meeting, to be posted in three or more public places of the section, at least six days before the time of holding such meeting; R.S.O. c. 225, s. 40,-1. Filling vacancies in board.  
Notice.

12. To cause to be prepared and read at the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a detailed account of all school moneys received and expended on behalf of the section, for any purpose whatsoever, during such year. Such report shall be signed by the trustees and by either or both of the school auditors of the section; R.S.O. c. 225, s. 40,-12. Report at annual meeting.

13. To transmit to the inspector the semi-annual returns on or before the 15th day of July and 31st day of December respectively, and the annual return on or before the first day of January in each year according to the forms prescribed by the Education Department. R. S. O. c. 225, s. 40,-13. Annual and semi-annual returns.

#### SECTIONS IN UNORGANIZED TOWNSHIPS.

**41**—(1) In unorganized townships in any county or district, it shall be lawful for the Stipendiary Magistrate thereof and the public school inspector (if any) of the county or district, or for the Stipendiary Magistrate alone, if there is no inspector, and for the inspector alone, if there is no Stipendiary Magistrate, to form a portion of a township, or of two or more adjoining townships, into a school section. Formation of school sections.

(2) No such section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the 25th day of December next after such alteration; provided always, no such school section shall be formed except on the petition of five heads of families resident therein. R. S. O. c. 225, s. 41. Limits of section.

**42.** Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of the section shall be exempt from all rates for school purposes, unless a child of such ratepayer shall attend such Exemption from rates on account of distance.

such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within the distance of three miles. R. S. O. c. 225, s. 42.

Election of  
school  
trustees.

**43.** After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. R. S. O. c. 225, s. 43.

Trustees  
powers and  
obligations.

**44.—(1)** The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of public school trustees generally.

Court of  
Revision.

**(2)** The secretary-treasurers of all such boards of public school trustees in unorganized townships shall be, *ex-officio*, members of a Court of Revision, and three of whom, acting together, shall be a legally constituted Court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same. The members of such Court shall be paid reasonable travelling expenses by their respective boards of trustees for attendance as a Court of Revision.

Sections to be  
divided into  
groups.

**(3)** The inspector of schools for the district shall divide the school sections into groups of three sections in every group, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong.

When inspec-  
tor to act as  
court of  
revision.

**(4)** In every case where from the sparseness of settlements, it would be inconvenient for a Court of Revision as herein constituted to meet for the revision and equalization of the assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such Court of Revision for the section on behalf of which such request is made, and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a Court of Revision. R. S. O. c. 225, s. 44. (*Amended.*)

Annual assess-  
ment roll.

**45.** The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer of which shall submit a certified copy of the same to the proper Court of Revision for the correction of errors or improper entries that may be found therein. R. S. O. c. 225, s. 45.

Appeal  
against assess-  
ment.

**46.** A copy of the said roll as so corrected shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary-treasurer  
of



of the section, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Court will hear appeals against said assessment roll, and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals. R. S. O., c. 225, s. 46.

**47.** All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Court of Revision, as constituted according to section 44, shall have the same powers as ordinary municipal Courts of Revision. R. S. O. c. 225, s. 47.

Manner of  
appeal.

**48.** The annual roll, as finally passed and signed by the chairman of the Court of Revision, shall be binding upon the trustees and ratepayers of the section, until the annual roll for the succeeding year is passed and signed as aforesaid. R. S. O. c. 225, s. 48.

Confirmed roll  
binding.

**49.** Where any township under the jurisdiction of a township board is unorganized, appeals against its certified assessment roll, made out by a person appointed by the board, shall be made to the Stipendiary Magistrate or Judge of the district or county, who has jurisdiction in other matters therein. R. S. O. c. 225, s. 49.

Appeals in  
unorganized  
township.

**50.** In forming union school sections between and out of an organized township municipality and an unorganized township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Stipendiary Magistrate shall act for the unorganized township or locality, and the Reeve of the organized township for his township. R. S. O. c. 225, s. 50.

Union school  
sections.

**51.** The trustees may appoint some fit and proper person, or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the Stipendiary Magistrate or the inspector by the trustees. R. S. O. c. 225, s. 51.

Appointme  
and duty of  
school col-  
lector

**52.** Every such collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, shall be under the same liabilities and obligations, and proceed in the same manner in his school section and township, as a township collector

Powers and  
liabilities of  
school collec-  
tor.

collector does in his municipality, in collecting rates in a township or county, as provided in the municipal and assessment Acts from time to time in force. R. S. O. c. 225, s. 52.

Boards in municipalities without county organization.

**53.** In municipalities composed of more than one township, but without county organization, it shall be optional with the municipal council thereof to form portions of the townships comprising the municipality into school sections, or to establish a board of public school trustees, two members being elected for each ward, and if not divided into wards, two for each township thereof, and such board shall possess all the powers and duties of township boards and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. R. S. O. c. 225, s. 53.

#### TOWNSHIP BOARDS.

Establishment of township boards.

**54.** At the annual meeting in any year of the school sections in a township, the question of forming a township board may be submitted in each section for the decision of the meeting, and whenever in any township at any such annual meeting, two thirds in number of the school sections so decide, the council of the township shall thereupon pass a by-law to abolish the division of the township into school sections, and to establish a public school board accordingly; and this shall take effect on the first day of January in the next following year, and any portion of the township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the township. R. S. O. c. 225, s. 54.

Division of township into wards.

**55.** The township council shall, in the by-law for establishing the public school board, divide the township into four wards, which shall be the same from time to time as the wards for municipal purposes, when any exist in the township, and after such by-law goes into effect, all the public schools of the township shall be managed by one board of trustees. R. S. O. c. 225, s. 55.

Management by board.

Qualifications of members.

**56.** At the first election, two resident ratepayers in the township shall be elected school trustees in and for each ward; one of the trustees in each ward (to be determined by lot at the first meeting of the trustees after their election) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office for one year longer, and until his successor has been appointed, and shall then retire. R. S. O. c. 225, s. 56.

**57.** The election shall take place annually at the time, in the manner, and as prescribed by this Act, for the election of trustees in towns divided into wards. Time and manner of election. R. S. O. c. 225, s. 57.

**58.** The trustees so elected shall be a corporation under the name of "The Public School Board of the Township of \_\_\_\_\_ in the County of \_\_\_\_\_." Board to be a corporation.

R. S. O. c. 225, s. 58.

**59.—(1)** The board (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and secretary-treasurer, and shall be invested with, and possess, exercise and enjoy all the rights, property, powers and incidents, and shall be subject to the same duties and obligations as trustees in rural school sections under the provisions of this Act, as well as those of public schools in cities and towns, and in any other statute, by-law, regulation, deed, proceeding, matter or thing the board shall be construed to stand and to be substituted for each and all of the trustees of the former school sections of the township. Powers of board.

**(2)** The board shall, when called upon, submit its accounts, books and vouchers to the auditors of the municipality, and it shall be the duty of the municipal auditors to audit such accounts in the same way and at the same time as the municipal accounts are audited. Audit of accounts. R. S. O. c. 225 s. 59.

**60.** After the public school board is established, the portions of the township theretofore united with an adjoining municipality, or a portion thereof, shall cease to be so united on the first day of January next following the passing of the by-law for establishing the township board, and in the intervening period between the passing of the said by-law and such first day of January, a new union may be formed under the provisions of this Act, under which the said former union may be continued or another union formed, but the portion of the township in any former union shall remain liable for any rate such portion was subject to while so united, for the payment of any debt or loan, so far as the creditors or lenders thereof are concerned, and in cases where unions existing on the second day of March, 1877, are not re-formed under this Act, such unions shall continue to exist under and subject to the provisions of the Acts in force at the time of their formation. Effect as to parts united. R. S. O. c. 225, s. 60.

**61.** The township council shall, so soon as the by-law for establishing the public school board is passed, appoint the county inspector jointly with two other competent persons, not residents of the township, and they, or any two of them, shall, in a report to the council, value the existing school houses, school sites, and other school property in each and every Adjustment of all claims consequent on board being established.



every section, or portions of the township, and ascertain their respective debts and liabilities; and the said arbitrators, or any two of them, shall thereupon adjust and settle, in such manner as they may deem just and equitable, the respective rights, claims and demands of each and every school section or portion of the township, and the township council shall pass a by-law, and give full effect to the report of the said arbitrators. R. S. O. c. 225, s. 61.

Adjustment of claims in case of parts becoming disunited.

**62.** In cases where a portion of the township municipality, on the establishment of the public school board, ceases to be united with any other municipality, or portion thereof, the council of each such municipality shall respectively appoint one competent person, who, with the inspector or inspectors having jurisdiction in the respective municipalities concerned, shall, in a report to the councils of the respective municipalities, value and adjust all rights and claims consequent upon such disunion between the respective portions of such municipalities, and determine by what municipality or portion thereof, and in what manner the same shall be settled, and the disposition of the property of the union and any payment by one portion to the other, and the report of the majority of said persons shall be valid and binding; and in cases where the persons to make this report would be an even number the County Judge shall also be added. R. S. O. c. 225, s. 62.

Petition for repeal of by-law and for re-forming sections.

**63.** In case twenty ratepayers in more than one-half of the school wards of the township petition the township council to submit a by-law to the vote of the ratepayers of the township for the repeal of the by-law under which the public school board was established, but not until after the township board has existed for five years at least, a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with *The Municipal Act*, except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the township council shall pass a by-law to disestablish such public school board, and form school sections instead thereof; but no repeal shall take effect until the first day of the month of January next following, which will be more than three months after the voting upon the by-law for that purpose; and the council shall also, in the same or another by-law, appoint the county inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the school houses, school sites, and other school property which may thereupon become the property of such school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section and the township, and all payments to be made by or to any of them. R. S. O. c. 225, s. 63.

Rev. Stat. c. 184.

## RURAL SCHOOL SITES.

**64.** Before any steps are taken by the trustees for securing New sites. a site on which to erect a new school house, or for changing the site of a school-house, they shall call a special meeting of the ratepayers of the section to consider the site selected by them; and no site shall be adopted, or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting. R. S. O. c. 225, s. 64. (*Amended*).

**65.** In case a majority of the ratepayers present at such When trustees and ratepayers disagree. special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the county inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a Award. majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them. R. S. O. c. 225, s. 65.

**66.** With the consent, or at the request of the parties to the Reconsideration of award. reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. R. S. O. c. 225, s. 66. (*Amended*).

**67.** If the owner of the land selected for a new school site, Where owner refuses to sell. or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in case of his inability to act, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land. R. S. O. c. 225, s. 67.

**68.** If the majority of the school trustees, or the majority of a public school meeting, neglects or refuses, where there is a Appointment of arbitrators—their powers. difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, or if the owner of land selected as a school site, neglects or refuses to appoint an arbitrator, it shall be competent for the inspector with the arbitrator appointed, to meet and determine the matter; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree. R. S. O. c. 225, s. 68.

Additional  
powers of  
arbitrators.

**69.**—(1) The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights.

Taking land.

(2) Upon the tender of payment of the amount of such damage to the owner or other person entitled thereto, or of any part of such amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. R. S. O. c. 225, s. 69.

Proceedings  
where an ar-  
bitrator is ab-  
sent.

**70.** If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment. R. S. O. c. 225, s. 70.

Award to con-  
stitute title.

**71.** Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of the secretary-treasurer of the board of trustees verifying the same. R. S. O. c. 225, s. 71.

Cost of  
arbitration.

**72.** The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators. R. S. O. c. 225, s. 72.

Selection of  
school site.

**73.** A school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of the site without his consent. R. S. O. c. 225, s. 73.

Enlargement  
of school site.

**74.** Where the area of a school site is less than is required by the regulations of the Education Department the trustees may, without reference to a special meeting of the ratepayers, enlarge the same, but no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. R. S. O. c. 225, s. 74. (*Amended.*)

Who may con-  
vey school  
sites.

**75.** All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those  
they



they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence ; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever ; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. R. S. O. c. 225, s. 75.

**76.** If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter ; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same ; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the county ; and he may in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. R. S. O. c. 225, s. 76.

Remedy in case of absence of owner.

**77.** The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid ; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted ; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner ; and shall contain any other particulars which the County Judge may direct. R. S. O. c. 225, s. 77.

What notice shall contain.  
Arbitrators.

**78.** If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. R. S. O. c. 225, s. 78.

Judge may appoint arbitrator.

**79.** Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land ; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever

Responsibility of trustees as to compensation.

ever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. R. S. O. c. 225, s. 79.

In case of incumbrance.

Deposit of compensation money.

Award to be registered.

**80.** If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the High Court, or in such other manner as the inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary-treasurer of the board of trustees verifying the same. R. S. O. c. 225, s. 80.

#### ALTERATION OF SCHOOL BOUNDARIES.

Powers of Township Councils.

Union of existing sections.

Alteration, etc., of school sections.

By-law for altering school sections.

Appeal to County Council.

**81.** Every township council shall have power:—

1. To pass by-laws to unite two or more sections in the same township into one, in case at a public meeting in each section called by the trustees or inspector for that purpose, a majority of the ratepayers present at each of such meetings request to be united;

2. To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so;

3. Any such by-law shall not be passed later than the first day of May in any year, and shall not take effect before the 25th day of December next thereafter, and shall remain in force, unless set aside as hereinafter provided, for a period of five years. The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of every school section affected thereby, and to the public school inspector. R. S. O. c. 225, s. 81. (*Amended.*)

**82.**—(1) A majority of the trustees, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk, appeal

appeal to the county council of the county in which such section or sections are situated, against any by-law of the township council for the formation, division, union or alteration of their school section or school sections; or against the neglect or refusal of the township council, on application being made to it by the trustees or any five ratepayers concerned, to alter the boundaries of a school section or school sections within the township.

(2) The time herein mentioned for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass such by-law, or from the first meeting after which notice was received from the clerk of the application of the trustees or ratepayers asking for such by-law to be passed, as the case may be.

(3) The county council may, if it thinks fit, appoint as Appointment of arbitrators arbitrators not more than five, or less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the county inspector, and a majority of whom shall form a quorum to hear such appeal and to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the 25th day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the township council.

(4) No person shall be competent to act as arbitrator, who is Who may act as arbitrators. a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass the by-law or resolution;

(5) Due notice of the alterations or the determination of Notice. the said matters made by the arbitrators shall be given by the inspector to the clerk of the township, and to the trustees of the school sections concerned. R.S.O. c. 225, s. 82. (*Amended*).

**83.** On the formation, dissolution, division or alteration of any school section in the same township, in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators, shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators or any two of them shall be final and conclusive. R. S. O. c. 225, s. 83. Adjustment of claims between unions in same township.

**84.** In case a school site or school house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be Disposal of school property when not wanted.



disposed of, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose; and the ratepayers transferred from one school section to another shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other public school property as the assessed value of their property bears to that of the other ratepayers of the school section from which they have been separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. R. S. O., c. 225, s. 84.

#### UNION SCHOOL SECTIONS.

Unions existing 2nd March, 1877.

**85.** All school sections existing on the 1st day of January, 1891, and all union school sections which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and shall continue to exist, subject, however, to the provisions of this Act so far as applicable as if they had been formed thereunder; and in cases where any union has before said date been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award. R. S. O. c. 225, s. 269.

What unions may be formed.

**86.** A union school section may be formed between (a) parts of two or more adjoining townships; (b) parts of one or more townships and an adjoining town or incorporated village. R. S. O. c. 225, s. 85.

Procedure for formation, alteration or dissolution of union.

**87.** The following shall be the procedure for the formation alteration or dissolution of union school sections:—

1. On the joint petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned, who shall be *ex officio* arbitrators.

2. In cases where the persons so appointed arbitrators would be an even number, the senior County Court Judge, or some person by him appointed to act in his behalf, shall be added, or in the case of an arbitration affecting two or more counties, then the senior County Court Judge of the county having

having the largest population according to the last Dominion census, or some person by him appointed to act in his behalf shall be added.

3. The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools, who shall give ten days notice in writing of such meeting to the clerks of the municipalities concerned. R. S. O, c. 225, s. 82,—1, 2, 3.

4. In case the arbitrators shall determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union school, they shall in their award set forth the specific parcels of land to be included in such new union school section, or in such altered section as the case may be. In the event of the transfer of any parcel or parcels of land from an existing union section to some other section or sections the arbitrators shall in their award set forth to what other section or sections such transfer shall be made, and any such transfer shall be binding and operative for all school purposes till altered as provided by this Act. (*New*).

5. In case the arbitrators shall determine upon the dissolution of an existing union they shall set forth in their award the section or sections to which the parcels of land comprising such union shall be attached for school purposes, and any such transfer of the parcels of land comprising a union school section to an adjoining section or sections shall be binding and operative till the boundaries of such section or sections are altered as provided by this Act. (*New*).

6. Where the arbitrators find that it would be in the interest of the parties concerned, and where in their opinion it is practicable so to do, they may at their discretion form part of the territory of any union section into a non-union section, and in such cases they shall indicate the parcels of land of which such non-union section shall be composed. The remainder of the union section shall be disposed of as hereinbefore provided. (*New*).

7. When a new union school section is formed or an existing union school section altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school and other requisite expenses, and such determination shall be binding for a period of three years. (*New*).

8. In any award made under this section the arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of union sections between the respective municipalities and school sections concerned, and shall also determine in what manner and by what municipality or municipalities, or what portions thereof the same shall be paid and the sum or sums of money to be paid by one portion of the municipalities or school sections concerned to the union school so formed or altered, and the disposition of the property of the union and any payment  
by

by one portion to the other, and such valuation, adjustment and determination shall form and be considered an integral portion of their award, and shall be binding on the municipalities and school sections concerned, subject to the provisions of this Act. (*New*).

9. When a new union school section is formed by arbitration, as herein provided, the inspector, authorized under subsection 3 to call the first meeting of the arbitrators, shall call the first meeting for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in section 29 of this Act. R. S. O. c. 225, s. 86,—6.

10. Such union, alteration, or dissolution shall not take effect until the 25th day of the month of December, which will be at least three months after the award of the arbitrators or a certified copy thereof is filed with the clerks of the municipalities concerned. R. S. O. c. 225, s. 86,—7.

11. No union school section shall be altered or dissolved for a period of five years after the award of the arbitrators has gone into operation, but nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section from time to time as may be deemed expedient. (*New*).

Appeal relating to union school within a county.

88. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies wholly within a county the trustees or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council against any award made by the arbitrators either for the formation, alteration or dissolution of such section, or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 87 of this Act, and on receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 87, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the county clerk. R. S. O. c. 225, s. 87; 52 V., c. 51, s. 5.

Appeal relating to union school within two or more counties.

89. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies partly within two or more counties, the trustees or any five ratepayers in the territory or union school section concerned, or the inspector or inspectors, may within one month after the making thereof appeal  
against



against any award made by arbitrators for the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine or confirm such award, or where no award was made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 87 of this Act, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the Minister of Education. R. S. O. c. 225, s. 88 ; 52 V., c. 51, s. 6. (*Amended*).

**90.** The school rates of every union section shall be collected by the collectors of the municipality in which each part of the union section is respectively situate, and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. R. S. O. c. 225, s. 89. (*Part*).

Payment of rates in union school sections.

**91.** When any township municipality is divided by Act of the Legislative Assembly for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 51 V. c. 28, s. 39.

School sections when municipality divided.

**92.** Every union school section shall, for the election of trustees, be deemed one school section, and shall be considered in respect to inspection as within the municipality in which the school-house is situated, or if there be two or more school houses then in the municipality having the largest amount of assessed property. R. S. O. c. 225, s. 270. (*Amended*).

Election of trustees, and inspection of union school sections.

**93.**—(1) In case a portion of the territory composing one or more school sections becomes incorporated as a village or town, the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, and the provisions of this Act respecting the election of public school trustees in towns or villages shall apply thereto until such union is altered or dissolved as provided by this Act ; R. S. O. c. 225, s. 93. (*Amended*).

Continuation of boundaries of rural sections.

(2) In the case of a town or incorporated village divided into wards to which a part of an adjoining township or township is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which ward or wards the ratepayers of the township part shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then such portion of

Where rate-payers to vote when municipality divided into wards.

of the township shall be considered for all election purposes as attached to the ward or wards adjacent. R. S. O. c. 225, ss. 90 (2).

Where part of a township is annexed to a city.

**94.** When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall, unless determined by mutual agreement between themselves after such annexation, each appoint an arbitrator who, with the senior County Judge of the county, shall value and adjudge in an equitable manner the rights and claims of all parties affected by such annexation, and who shall determine by what municipality or portion thereof, the same shall be adjusted, paid or settled, and the award of such arbitrators shall be final and conclusive, and the money found due, either by mutual agreement or under the award, shall be deemed money for school purposes and the provisions of section 115 of this Act shall not apply to the money so required to be paid under the award or mutual agreement, and a debenture or debentures may issue to be payable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the said municipality, anything in this Act to the contrary notwithstanding. 52 V. c. 36, s. 43.

#### EQUALIZATION OF UNION SCHOOL ASSESSMENTS.

Assessors to determine proportion.

**95.**—(1) Once in every three years the assessors of the municipalities in which a union school section is situated, shall, after they have completed their respective assessments and before the first day of July meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected from the taxable property of the respective municipalities out of which the union school section is formed. Notice of such determination shall be given forthwith to the secretary-treasurer of the union school section concerned. R.S.O. c. 225, s. 91 (1). *Part. (Amended).*

Arbitration where assessors disagree.

(2) In the event of the assessors disagreeing as to such proportion, as aforesaid, the inspector in whose district the union school section is situated shall name an arbitrator who, with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for the period of three years. R. S. O. c. 225, s. 91 (1). *Part.*

When school section lies in two counties.

(3) When the union school section is composed of portions of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the school house of the union section is situated shall name an arbitrator

trator, and the decision of a majority shall be final and conclusive for the period of three years. R. S. O. c. 225, s. 91 (2).

(4) The meeting of the assessors, for the purposes herein set forth, shall be called by the assessor of the municipality in which the school house of the union section is situated. (*New*). Meeting of assessors to determine proportion

(5) The assessors or the assessors and arbitrator appointed as herein required may, at the request of the inspector or five ratepayers, within one month after the filing thereof with the clerk reconsider their award, and alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed. (*New*). Reconsideration of award.

**96.** (1) Any by-law of a municipality for forming, altering or dissolving a school section or sections, and any award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice to quash such by-law or to set aside such award is filed in the office of the township clerk within one month of the publication of such by-law or award. By-law altering sections to be valid unless notice to quash given.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary or secretary-treasurer of each board of trustees affected thereby. What deemed publication of by-law.

(3) Any by-law or award confirmed, as in this section provided, shall be valid and binding for a period of five years. (*New*). By-law to be binding for five years.

#### PUBLIC SCHOOL BOARDS IN CITIES, TOWNS AND INCORPORATED VILLAGES.

**97.** Every board of public school trustees in cities, towns and incorporated villages, elected as provided by this Act shall be a corporation by the name of "The Public School Board" (prefixing to words "Public School Board" the name of the city, town or incorporated village for which such trustees are elected), and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act. R. S. O. c. 225, s. 97 (2). Board to be a corporation.

**98.** Any ratepayer resident in the municipality of the full age of twenty-one years shall be eligible to be elected a public school trustee, and every trustee shall continue in office until his successor has been elected and the new board organized. R. S. O., c. 225, 106. Who may be elected trustees.

**99.**—(1) In case any unincorporated village becomes incorporated, or in case a village, or town changes its corporate status, the trustees having jurisdiction over the school property situated within such village, or town, prior to its incorporation or prior to the change of its corporate status shall exercise all First election of trustees.



all the powers conferred by this Act upon the trustees of incorporated villages, towns or cities, until a new election of trustees is held, and such trustees shall call a meeting of the ratepayers of such incorporated village, town or city within one month after the date of such incorporation for the election of a new public school board.

(2) In calling the meeting of the ratepayers of such newly incorporated village, town or city, the provisions of section 102 of this Act shall be complied with so far as the same are applicable. Where the trustees of the municipality whose corporate status was changed were elected by ballot, the provisions of section 103 of this Act shall apply to the election of trustees in such newly incorporated town or city. R. S. O. c. 225, s. 94. (*Amended*).

Trustees in city, etc., divided into wards.

**100.**—(1) For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected and the new board organized.

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school meeting, and the other shall continue in office one year longer and then retire, after which one trustee shall be elected annually for each ward. R. S. O. c. 225, s. 95.

(3) When any town or incorporated village is annexed to a city, the town or incorporated village so annexed shall, for all the purposes of this Act, be deemed to be part of the city. R. S. O. c. 225, s. 97 (3).

Trustees in village not divided into wards.

**101.**—(1) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected and the new board organized;

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire; after which three trustees shall be elected annually. R. S. O. c. 225, s. 96. (*Amended*).

Provisions for elections of trustees.

**102.**—The annual and other elections of public school trustees, unless otherwise ordered, as provided by section 103 of this Act, shall be subject to the following provisions:—

1. A meeting of the ratepayers for the nomination of candidates for the office of public school trustee, shall take place at noon on the last Wednesday in the month of December, annually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the public school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. Nominations.

2. The public school board shall by resolution before the second Wednesday in December each year name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer the chairman chosen by the meeting shall preside, and the public school board shall give at least six days' notice of such meeting; Returning Officer.

3. If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary of the public school board; but if two or more candidates are proposed for any one office and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, or if a holiday, then to the day following, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the trustees. Proceedings at nominations.

4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having being polled. Hours of polling. R. S. O. c. 225, s. 98. *Part.*

5. In cities, towns, incorporated villages, and in townships where public school boards exist, the clerk of the municipality shall furnish to the public school board, within three days after request in writing, 'The Voters' List,' of such municipality, annexing thereto a list of the names of persons being supporters of separate schools and also a list of the names, alphabetically arranged, of all ratepayers not being already upon 'The Voters' List.' R. S. O. c. 225, s. 99. (*Amended*). In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards.

6. The public school board shall provide each polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election, and shall, in each column on which is entered the name Certified copy of list and a poll book to be provided for each polling place. Entries in roll Book.

name of a candidate voted for by a voter set the figure '1' opposite the voter's name, with the residence of the voter; R. S. O. c. 225, s. 101. (*Amended*).

Duty of returning officer after close of election.

7. The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary or secretary-treasurer of the public school board, with his solemn declaration thereto annexed, that the poll-book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer; R. S. O. c. 225, s. 98,—6.

Duty of secretary.

8. The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them respectively in said election. R. S. O. c. 225, s. 98,—7.

Casting vote.

9. In case two or more candidates have an equal number of votes, the member of the board present at the first meeting thereof after such election and before the organization of the board, who is assessed highest as a ratepayer on the last revised assessment roll, shall give a vote for one or more such candidates, so as to decide the election. R. S. O. c. 225, s. 98,—8.

#### ELECTION BY BALLOT.

Elections of trustees on same day as municipal elections.

**103.**—(1) The board of public school trustees of any city town, incorporated village or township may, by resolution of which notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such city, town, incorporated village, or township, to be held by ballot on the same day as municipal councillors, or aldermen are elected, as the case may be. In like manner any board of trustees may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 102. R. S. O. c. 225, s. 103 (1); 53 V. c. 71. s. 6.

Trustees may discontinue use of ballot at elections.

Ballot not to be discontinued or resumed for three years after the change.

(2) Where any board of trustees requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 102 shall apply for a period of three years at least after such discontinuance. 53 V. c. 71, s. 7. (*Amended*).

Mode of conducting elections by ballot.

(3) In every case in which notice is given as aforesaid requiring the election of public school trustees to be held by ballot, such election shall thereafter be held at the same time



time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors are conducted; and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election of public school trustees;

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184.

(4) A separate set of ballot-papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors or aldermen, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be, on said ballot papers.

Form of  
ballot papers.

(5) In the list of qualified voters required by section 102 of this Act to be delivered to the returning officer by the clerk of the municipality before the opening of the poll, the clerk shall place opposite the names of any persons on the said list who are supporters of separate schools, the letters S. S. S. (signifying supporters of separate schools), and the returning officers shall not deliver to any such person a ballot paper for public school trustees. R. S. O. c. 225. s. 103 (2), (3), (4).

Separate  
school sup-  
porters not to  
vote.

(6) In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation:—

Oath to be ad-  
ministered  
when voter  
objected to.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to voter*);

Form of oath.

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a public school supporter;

That you have not voted before at this election, either at this or any other polling place in this Ward or in this Municipality (*where the municipality is not divided into wards*) for School Trustee;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election: So help you God. R. S. O. c. 225, s. 105.

**104.** In case of any vacancy in the office of trustee of any public school board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election in the manner provided by this Act for the annual election of trustees to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which

Vacancy in  
office of  
trustee.

which his predecessor was elected, or for which the office is filled. R. S. O. c. 225, s. 98 (10).

Judge of  
County Court  
to receive and  
investigate  
complaints.

**105.** The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of a public school board in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the public school board. R. S. O. c. 225, s. 98 (9).

First meeting  
of Board.

**106.**—(1) The members of every board of school trustees in townships, cities, towns and incorporated villages shall hold their first meeting on the third Wednesday in January, or if a board of education, then on the first Wednesday in February, at the hour of seven o'clock in the afternoon, or at such other hour on the same day as may have been fixed by resolution of the former board, at the usual place of meeting of such board. R. S. O. c. 225, s. 107. (*Amended*).

President at  
first meeting.

(2) At the first meeting in each year of every public school board, the secretary of the board shall preside at the election of chairman, or, if there be no secretary, the members present shall appoint one of themselves to preside at such election, and the member so appointed to preside may vote as a member. R. S. O. c. 225, s. 108.

Casting vote.

(3) In case of an equality of votes at the election of chairman, the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. R. S. O. c. 225, s. 109.

Presiding  
officer of  
board.

(4) In the absence of the chairman any person appointed to act as chairman by the majority of those present shall preside, and the chairman or person so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R. S. O. c. 225, s. 111. (*Amended*).

(5) A majority of the members of the board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be necessary to bind the corporation. R. S. O. c. 225, s. 112.

Quorum of school boards, etc.

#### DUTIES OF TRUSTEES.

**107.** It shall be the duty of the board of trustees of cities, towns and incorporated villages, and they shall have power :—

Duties of Board.

1. To appoint a secretary and treasurer or secretary-treasurer, and one or more collectors, if requisite, of such school fees or rate bills as the board may have authority to charge, and such other officers and servants of the board as they may deem expedient. R. S. O. c. 225, s. 113,—1. (*Amended*).

Appointment of secretary and collector

2. To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings. (*New*).

To fix meetings of the board.

3. To provide adequate accommodation for all the children between the ages of five and sixteen years, resident in the municipality, as ascertained by the census taken by the municipal council for the next preceding year; provided always, such residents are not to include the children of persons on whose behalf a separate school or schools have been established under the provisions of *The Separate Schools Act*;

To provide adequate accommodation.

4. To purchase or rent school sites or premises, and to build, repair, furnish, and keep in order the school-houses and appendages, and to keep the well, closets and premises generally in a proper sanitary condition, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus, and prize books, and, if they deem it expedient, establish and maintain school libraries. R. S. O. c. 225, s. 113,—2,—3.

Rev. Stat. c. 227.

To provide school premises, apparatus, prize books and library.

5. To determine the number, grade and description of schools (such as central, ward, or night schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed, and the amount of their remuneration; and to provide, as they may deem expedient, for children between four and seven years of age, kindergarten schools. R. S. O. c. 225, s. 113,—4,—13. (*Amended*).

To determine number of schools, etc.

Kindergarten schools.

6. To dismiss from the school any pupil who shall be adjudged so refractory by a majority of the trustees and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school. R.S.O. c. 225, s. 113,—14.

Dismissal of refractory pupils.

7. To collect, at their discretion, from the parents or guardians of the pupils attending any public school under their charge, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, stationery and other school supplies; or, at their discretion, to purchase for the use of pupils

Trustees may collect a fee from parents, for books, etc.



pupils attending such schools text-books, stationery and other school supplies at the expense of the corporation. R. S. O. c. 225, s. 113,—7. (*Amended*).

To appoint a committee for each school.

8. To appoint of their number, and under such regulations as they think proper, a committee for the special oversight and management of the schools under their charge, and to see that all such schools are conducted according to the regulations of the Education Department. R. S. O. c. 225, s. 113,—6. (*Amended*).

Model schools for teachers.

9. To constitute at their discretion one or more of the public schools to be a model school for the training of teachers. R. S. O. c. 225, s. 113,—10. (*Amended*).

To lay before council estimate for moneys.

10. To submit to the municipal council, on or before the first day of August, or at such time as may be required by the municipal council, an estimate of the expenses of the schools under their charge for the current year. R. S. O. c. 225, s. 113,—5. (*Amended*).

To submit accounts to auditors.

11. To submit all accounts, books and vouchers, to be audited by the municipal auditors, and it shall be the duty of such auditors to audit the same. R. S. O. c. 225, s. 113,—8,

To publish auditors' report.

12. To publish at the end of every year, in one or more of the public newspapers, or otherwise, the annual report of the auditors, and to prepare and transmit before the 15th of January, the annual report of the school to the Education Department; R. S. O. c. 225, s. 113,—11. (*Amended*).

Annual report to Minister.

Custody and disposal of school property.

13. To take possession and have the custody and safe keeping of all public school property which has been acquired or given for public school purposes in the section, including movable property, moneys or income given or acquired at any time for public school purposes, and to hold or apply the same according to the terms on which the same were acquired or received; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act. R. S. O. c. 225, s. 40,—9.

School sites.

**108.** Every public school board in a city, town or incorporated village, shall have power to take and acquire land for a school site or for enlarging school premises already held. In the event of any dispute between the owner of the land selected and the trustees, with regard to the price of such land, sections 67 to 72 of this Act shall apply. R. S. O. c. 225, s. 113,—12. *Part.* (*Amended*).

#### SCHOOL ASSESSMENT.

Township council to levy sums required for school purposes.

**109.**—(1) The municipal council of every township shall levy and collect by assessment, upon the taxable property of the public school supporters of the whole township, in the manner provided

provided by this Act, and by the municipal and assessment Acts, the sum of \$100 at least for every public school therein in which a public school has been kept open the whole year exclusive of vacations. Where the public school has been kept open for six months or over, a proportionate amount of the said sum of \$100 at least shall be levied and collected by assessment upon the taxable property of the whole township. An additional sum of \$50 at least shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant teacher is engaged for six months or over.

(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the respective municipalities the said sum in the proportion fixed by the equalization provided under section 95 of this Act.

(3) The municipal council of the township shall collect from the taxable property in each section such other sums as may be required by the trustees thereof for school purposes. R. S. O. c. 225, s. 117. (*Amended*).

**110.** The municipal council of every city, town and incorporated village shall levy and collect upon the taxable property of the municipality, in the manner provided in this Act, and in the municipal and assessment Acts, such sums as may be required by the public school trustees for school purposes, subject to sections 116 and 117 of this Act. R. S. O. c. 225, s. 118. City, town or village council to levy sums required for school purposes.

**111.**—(1) The clerk of every municipality shall upon request, furnish the public school inspector with a statement of the assessed value of each school section as shewn by the revised assessment roll for that year. Such clerk shall be entitled to reasonable payment from the council for the above mentioned services. R. S. O. c. 225, s. 116. (*Amended*). Clerk to give copy of assessment to inspector.

(2) The clerk of every municipality shall, at the request of any board of trustees, furnish the board with a statement shewing the several parcels or lots of land composing the school section for which they are trustees, the assessment of such parcel or lot and the amount of taxes entered on the collector's roll against each parcel of such lands. The cost of preparing such statement shall be paid by the board of trustees applying for the same. (*New*). Statement to be furnished to board by clerk.

**112.** The council of every municipality may, in addition to any demand made by requisition of the public school trustees, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a public school library, or for aiding new or weak schools within such municipality Establishment of libraries.

municipality, or for the support of model schools, or for supplementing teachers' salaries. R. S. O. c. 225, ss. 142, 208. (*Amended*).

Return shewing rating of separate school supporters.

Separate school amounts to be deducted.

**113.** The clerk of every municipality in which any separate school section or part of a section is situate, shall, not later than the first day of December in each year, make out and transmit to the county school inspector a list of the supporters of separate schools against whom any county rate for public school purposes has been erroneously placed upon the collector's roll shewing the amount so rated against each and the total amount so rated. The county inspector shall, before issuing his order for the payment of the county grant to the public school sections, deduct therefrom the amount so certified to him by the clerk of such municipality, and shall give the trustees of the separate school section an order on the township treasurer for the amount thereof, and it shall be the duty of such treasurer to pay over the same. R. S. O. c. 225, ss. 122, 144.

Clerk to transmit minutes of council, etc., to Minister.

**114.** It shall be the duty of every county clerk to furnish the Minister of Education with a copy of the minutes of the council relating to school assessments and other educational matters and to transmit to the Minister, on or before the first day of March in each year, a certified copy in the form provided, of the abstract of the report of the auditors for the preceding year. R. S. O. c. 225, s. 128.

#### SCHOOL DEBENTURES.

Township school debentures.

Proviso.

Applications for loans to be made to, and debentures issued by council.

**115.**—(1) On the application of any board of rural school trustees for the issue of debentures for the purchase of a school site or sites, for the erection of a school-house or school-houses, or any addition thereto, or for the purchase or erection of a teacher's residence, the municipal council of the township shall pass a by-law for the said purpose, and shall forthwith issue a debenture or debentures to be repayable out of the taxable property of the school section concerned, and subject to the limitations contained in this Act, provided always the proposal for such loan has been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the section, called for the purpose. R. S. O. c. 225, s. 129.

(2) All applications for a loan, for the purposes herein mentioned, shall be made by the trustees of a union school section to the council of the municipality within which the school house or site of such union section is situated, and all debentures for the payment of such loan shall be issued by such municipality. Any other municipality or municipalities forming part of the union school section shall pay, on the requisition of the clerk of the municipality by which the debentures were issued, as they come due, its or their share of the loan, including interest, so made according to its or their liability for school purposes, as determined by section 95 of this Act. (*New*).

(3)



(3) Where application is made by a union section composed of a town or incorporated village and part of the adjoining township or townships and the school house is situated in such town or village, all applications for the issue of debentures for school purposes shall in such cases be subject to the provisions of sections 116 and 117 of this Act. (*New*).

(4) Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan. R. S. O. c. 225, s. 131. Liability for loan.

**116.**—(1) Where application is made by a township board of trustees, or by the trustees of any city, town or incorporated village for any of the purposes mentioned in the preceding section, and where the municipal council refuses to raise or borrow the sum required, then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors of the municipality who are supporters of public schools, in the manner provided by *The Municipal Act* for the creating of debts, and in the event of the assent of such electors being thereby obtained, then it shall be the duty of such council to raise or borrow such sum. R. S. O. c. 225, s. 130, 133 (1). Submission of question to vote of electors.  
Rev. Stat. c. 184.

(2) The municipal council may, if deemed expedient, without submitting the same to a vote of the ratepayers of such municipality, as required by *The Municipal Act*, for the creating of debts, pass a by-law for the purpose of raising or borrowing money, on the requisition of the public school board, for any of the purposes named in the preceding section. R. S. O. c. 225, s. 133 (2). Rev. Stat. c. 184.

**117.** Any debenture issued by any municipality for school purposes may be in the form given by this Act, and for such term of years and for such amount as the council shall see fit, not exceeding thirty years, or the municipal council may in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in *The Municipal Act*. R. S. O. c. 225, s. 135. (*Amended*). Form and term of debenture.  
Rev. Stat. c. 184.

**118.** All sums levied and collected by the municipal council of any township for school purposes shall be paid over to the secretary-treasurer of the board of trustees, without any deduction whatever, on or before the 15th day of December in each year. R. S. O. c. 225, s. 125. School moneys—when to be paid over.

**119.** When, in the opinion of any rural school corporation it is not desirable to apply to the municipal council for the issue of debentures Application to council for school moneys.

debentures for any of the purposes mentioned in this Act, such trustees may, without a vote of the ratepayers of the section, require the municipal council to raise, by one yearly rate, such sums as may be necessary for the purchase of a school site, the erection, or purchase of a school house or teacher's residence. R. S. O. c. 225, s. 40,—3. (*Amended*).

Council not to levy more than one rate except in certain cases.

**120.** No township council shall levy or collect in any school section during any one year more than one school rate except for the purchase of a school site, or for the erection of a school-house. R. S. O. c. 225, s. 132.

School corporations may borrow surplus moneys.

**121.** Any rural school corporation may, with the consent of the ratepayers of their school section first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario municipalities fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only. R. S. O. c. 225, s. 134.

#### LEGISLATIVE AND COUNTY GRANT.

Apportionment of grant.

**122.**—(1) All sums of money voted by the Legislative Assembly for the support of public and separate schools shall be apportioned annually on or before the first day of May by the Minister of Education to the several counties, townships, cities, towns, and incorporated villages according to the population in each as compared with the whole population of Ontario, as shewn by the last annual returns received from the clerks of the respective counties, cities and towns separated from a county, of which apportionment due notice shall be given to the clerks of the municipalities concerned. R. S. O., c. 225, s. 136.

Grant payable on the first of July in each year.

(2) The money so apportioned shall be payable by the Provincial Treasurer on or before the first day of July in every year to the treasurer of every county, city, town and village in such way as the Lieutenant-Governor may from time to time direct. R. S. O. c. 225, s. 137.

To raise equivalent to Legislative school grant.

(3) The county council shall cause to be levied yearly upon the several townships of the county, such sums of money for public school purposes as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Minister of Education to the several townships of the said county for the year, such sums to be payable to the township treasurer on or before the fourteenth day of December in each year. R. S. O., c. 225, s. 141. *Part.*

**123.**—(1) The county inspector shall half-yearly, unless otherwise directed by the Minister of Education, distribute among the school sections and divisions of each township under his jurisdiction their respective portions of the public school grant voted by the Legislative Assembly or raised by county rate according to the average attendance of pupils at each public school as compared with the whole average number of pupils attending the public schools of every such township, and all such sums shall be payable by the township treasurer to the order of the secretary or secretary-treasurer of the board of trustees on the inspector's order. Notice of the amount payable to each school section shall be given by the inspector to the secretary or secretary-treasurer of the section. R. S. O. c. 225, s. 143. (*Amended*). Distribution of grant.

(2) The county inspector shall apportion any sum voted by the Legislative Assembly for improving the fifth form of public schools as may be directed by the regulations of the Education Department. (*New*).

#### TREASURERS OF SCHOOL MONEYS.

**124.**—(1) For all school purposes in townships the township treasurers shall be considered sub-treasurers of the county treasurer: provided always that the county council may by by-law constitute the county treasurer, the sub-treasurer for such municipalities within the county as may be deemed expedient. R. S. O. c. 225 s. 141. (*Part*). Sub-treasurers.

(2) Every sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any county inspector as are imposed by this Act upon every county treasurer, in respect to the paying and accounting for school moneys. R. S. O. c. 225, s. 150.

**125.** The treasurer and his sureties shall be responsible and accountable for school moneys to the county, city or town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the county, city or town, shall be taken to apply to all public school moneys, and may be enforced against the treasurer or his sureties, in case of default on his part. R. S. O. c. 225, s. 146. Treasurer and sureties responsible to municipality.

**126.** The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like amount out of any public moneys payable to the county, city, or town, or to the treasurer thereof, or by action against the corporation. R. S. O. c. 225, s. 147. Bonds to apply to school moneys, etc.



City, etc.,  
responsible for  
default of  
treasurer, etc

**127.** Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any city, county or town, the amount due or payable to such person as money had and received to his use. R. S. O. c. 225, s. 148.

School col-  
lector to be  
subject to same  
obligations as  
other col-  
lectors.

**128.** Any collector appointed by a board of trustees for the collection of school fees, or any treasurer or secretary-treasurer having the custody of school moneys, shall discharge similar duties and be subject to similar obligations and penalties and have similar powers as the like officers in the municipality. R. S. O. c. 225, s. 113,—1a.

Clerks to make  
returns of  
population.

**129.** The clerk of every county shall make a return to the Minister of Education showing the population of each minor municipality within the county, and the clerk of every city and of every town separated from a county shall make a return shewing the population of such city or town, as shewn by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year. R. S. O. c. 225, s. 140.

Trustees act-  
ing under by-  
laws not  
liable.

**130.**—(1) Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed.

(2) In case a by-law, order or resolution of a municipal council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation.

(3) Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order or resolution. R. S. O. c. 225, s. 149.

#### DUTIES OF TEACHERS.

Duties of  
public school  
teacher.

**131.** It shall be the duty of every teacher of a public school :—

To teach ac-  
cording to law.

1. To teach diligently and faithfully all the subjects required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and the regulations of the Education Department; R. S. O. c. 225, s. 153,—1.

To keep the  
registers.

2. To keep in the prescribed form the general, daily, class, or other registers of the school, and to record therein the attendance, promotion or removal of the pupils of the school; R.S.O. c. 225, s. 153,—2. (*Amended*).

3. To maintain proper order and discipline in his school, according to the prescribed regulations; R. S. O. c. 225, s. 153,—3. *Part.* To maintain order and discipline.
4. To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school; R. S. O. c. 225, s. 153,—4. *Part.* To keep a visitors' book.
5. To give the trustees and visitors access at all times, when desired by them, to the registers and visitors' book appertaining to the school; To give access to register and visitors' book.
6. To deliver up any school registers, visitors' book, school house key, or other school property in his possession, on the demand or order of the majority of the corporation employing him; Deliver up registers and key.
7. To hold during each term a public examination of his school, of which he shall give notice to the trustees of the school, to any school visitors who reside in the school section and through the pupils to their parents or guardians; To hold public examinations.
8. To furnish to the Minister of Education, or to the school inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character; To furnish information to the minister and inspector.
9. To prepare, so far as the school registers supply the information, such reports of the corporation employing him as are required by the Education Department; R. S. O. c. 225, s. 153,—5, 6, 8, 9, 10. To prepare reports.
10. To notify the trustees, and in case of their neglect, to notify the local board of health when the closets or outhouses belonging to the school are dangerous to the health of the pupils; (*New*). To notify trustees of unsanitary condition of closets, etc.
11. To notify the medical health officer of the municipality, or where there is none to notify the local board of health, whenever he has reason to believe that any pupil attending school is affected with or exposed to small-pox, cholera, scarlatina, diphtheria, whooping-cough, measles, mumps, glanders or other contagious disease, and to prevent the attendance of all pupils so exposed, or suspected of being exposed, until furnished with the written statement of the health officer, or of the local board of health, or of a physician, that such contagious diseases did not exist, or that all danger from exposure to any of them had passed away. R. S. O. c. 225, s. 153,—11. To take precautions against spread of infectious disease.

#### AGREEMENTS.

**132.** All agreements between trustees and teachers shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees. R. S. O. c. 225, s. 151. Valid agreements with teachers.

Suspension of  
certificate  
for breach of  
agreement.

**133.** Any teacher who enters into an agreement with the trustees of any public school, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint of such school trustees, be liable to the suspension of his certificate by the inspector under whose jurisdiction he may be for the time being. R. S. O. c. 225, s. 165.

Qualified  
teacher de-  
fined.

**134.** No person engaged to teach a public school shall be deemed a qualified teacher who does not at the time of his engaging with the trustees, and during the whole period of such engagement, hold a legal certificate of qualification. R. S. O. c. 225, s. 152.

Proportion of  
salary to  
which teacher  
entitled.

**135.** Every teacher who serves under an agreement with a board of trustees for three months or over shall be entitled to be paid his salary for the authorized holidays occurring during the period of such service in the proportion which the number of days during which he has taught in the calendar year, bears to the whole number of teaching days in such year. R.S.O. c. 225, s. 154. (*Amended*).

Case of sick-  
ness.

**136.** Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year; this period may be increased at the pleasure of the trustees. R. S. O. c. 225, s. 157.

Protection of  
teachers in re-  
gard to salary.

**137.** If at the expiration of a teacher's agreement with a board of trustees his salary has not been paid in full such salary shall continue to run at the rate mentioned in such agreement until paid, provided always that an action shall be commenced within three months after such salary is due and payable by the trustees. R. S. O. c. 225, s. 158.

Provision in  
case of differ-  
ence between  
teacher and  
trustees.

**138.** All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought before the Division Court of the district where the cause of action arose, subject to appeal, as provided by this Act. R. S. O. c. 225, s. 155.

Issue of execu-  
tion.

**139.** In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O. c. 225, s. 156.



## CERTIFICATES.

**140.** Every certificate to teach a public school shall be ranked as of the first, second, or third class, and shall be issued only to such persons as furnish satisfactory proof of good moral character, (a) are at least eighteen years of age, (b) are natural born or naturalized subjects of Her Majesty, (c) and pass the examinations prescribed by the Education Department. R. S. O. c. 225, s. 159.

Three classes  
of certificates

**141.** Certificates of the first and second class shall be granted by the Minister of Education on the report of examiners appointed by the Education Department, and shall be valid during good conduct in the Province; certificates of the third class shall be granted by the county board of examiners and shall be valid in the Province for a period of three years. Every third class certificate shall have the signature of at least one public school inspector. R. S. O. c. 225, s. 160, 161.

First, second  
and third  
class certifi-  
cates.

**142.** District certificates shall be valid only in the districts following, namely: Rainy River, Thunder Bay, Nipissing, Algoma, Parry Sound, Muskoka, Haliburton, and the counties of Victoria, Peterborough and Hastings, and all counties lying east thereof. In the districts aforesaid, the board of examiners for granting such certificates shall consist of the inspector, the district Judge and Stipendiary Magistrate; and in the counties aforesaid, of the county board of examiners. R. S. O. c. 225, s. 162. (*Amended*).

Third class  
district  
certificates.

**143.**—(1) All teachers' certificates granted before the fifteenth day of February, in the year 1871, shall remain in force on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations of the Education Department.

Former  
certificates  
continued.

(2) Every first-class certificate issued under any Act of this Province by a county board, before the fifteenth day of February, 1871, and valid in any city or county, on the 24th day of March, 1874, shall be valid in the Province during the good conduct of the holder thereof.

(3) Every second-class certificate issued before such time, and under like authority, and valid in any city or county, on the 24th day of March, 1874, shall, when such teacher has taught for a period of not less than ten years in Ontario, continue to be valid during good conduct in such city or county. R. S. O. c. 225, s. 163 (2), (3), (4).

**144.**—(1) The inspector may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct etc.

Suspension of  
certificate for  
misconduct,  
conduct  
etc.

conduct, or a violation of this Act or of the regulations of the Education Department. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension. R. S. O. c. 225, s. 164.

Suspension to be reported. (2) If the certificate so suspended was issued by the Chief Superintendent or Council of Public Instruction, or by the Education Department or Minister of Education, the inspector shall forthwith report to the Minister of Education, and such suspension shall continue until the case is decided by the Minister. R. S. O. c. 225, s. 166.

(3) If the certificate was granted by a county board of examiners, the inspector shall forthwith call a meeting of such county board of examiners for the consideration of such suspension, of which due notice shall be given to the teacher concerned, and the decision of such board shall be final. R. S. O. c. 225, s. 167.

#### COUNTY BOARDS OF EXAMINERS.

To examine teachers and give certificates. **145.**—(1) The municipal council of each county shall appoint a board of examiners, consisting of the inspector or inspectors having jurisdiction within the county or any part thereof, and not more than two other persons holding first-class certificates of qualification, for the purpose of examining candidates for teachers' third-class certificates and for such other purposes as may be prescribed by this Act. The Board shall hold at least one examination each year. A majority of the board shall form a quorum. R. S. O. c. 225, s. 168. (*Amended*).

Additional examiners. (2) Where deemed necessary from the general use of the French or German language, the county council may appoint additional examiners, not exceeding two, for the purpose of conducting the examination of candidates for a teacher's certificate in either of the languages aforesaid. R. S. O. c. 225, s. 169.

Expenses of examination. (3) The treasurer of the county shall, on the requisition of the chairman of the board, pay all the incidental expenses of the examination of third-class teachers. He shall also, on a like requisition, pay each member of the board the sum of \$4 per diem and travelling expenses while engaged as examiner. R. S. O. c. 225, s. 170. (*Amended*).

Fees of examiner investigating standing of teacher. (4) Every member of a county board of examiners while engaged in conducting an investigation affecting the standing of any teacher within the jurisdiction of the board shall be paid the sum of \$4 per diem and travelling expenses by the treasurer of the county. (*New*).

None but teachers to be examiners. (5) After the passing of this Act no person shall be appointed a member of a county board of examiners who is not actually engaged in teaching and who has not had at least three years' experience as a teacher in a public or separate school. (*New*).

## MODEL SCHOOLS.

**146.**—(1) The board of examiners of every county shall, subject to the regulations of the Education Department, set apart at least one public school in each county as a county model school for the training of teachers for third class certificates

One school in each county to be set apart as county model school.

(2) Where more model schools than one have been established in any county and where the teachers in training for the two preceding years at such schools have not exceeded twenty-five, the county board of examiners may, with the approval of the Education Department, discontinue one or more of such schools, but not so as to reduce the number below that required by this Act.

When model schools may be discontinued.

(3) The municipal council of each county shall pay to the treasurer of each public school within the county to which a county model school is attached an amount at least equal to the sum voted by the Legislative Assembly for each county model school, but the amount to be provided by the county council shall not be less than the sum of \$150 annually and the council may, if it sees fit, provide a larger amount of aid. R.S.O., c. 225, s. 173. (*Amended*).

Aid to county model schools.

## TEACHERS' INSTITUTES.

**147.**—(1) The teachers of one or more inspectorial districts may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters, subject to the regulations of the Education Department. (*New*).

Organization of teachers' institutes.

(2) The Minister of Education may apportion out of any moneys voted by the Legislative Assembly for that purpose the sum of \$25 to each teachers' institute organized and conducted according to the regulations of the Education Department and the municipal council of each county or city shall pay annually to the order of the president of each teachers' institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education. R. S. O. c. 225, s. 174.

Aid to teachers' institutes.

## LEAVING EXAMINATION.

**148.** There shall be an annual leaving examination in the public schools, on such subjects and according to such regulations as may be prescribed by the Education Department. (*New*).

Leaving examinations to be held annually in public schools.



## INSPECTORS.

Qualification  
for appoint-  
ment as in-  
spector.

**149.** No person shall be appointed inspector of public schools who does not hold an inspector's certificate of qualification, and no teacher or trustee of any public, high or separate school shall be appointed inspector while acting as teacher or trustee. R. S. O. c. 225, s. 175.

Number of  
inspectors.

**150.**—(1) The municipal council of each county shall appoint an inspector for such county, providing always that any inspector appointed hereafter for a county or part of a county, shall be the inspector of the schools of any town not separated from the county in the district to which he has been appointed. R. S. O. c. 225, s. 176 (1), *part*.

Jurisdiction  
of inspectors.

(2) One inspector shall not have charge of more than one hundred and twenty schools or less than fifty but it shall not be necessary to appoint more than one inspector in each riding of a county. R. S. O. c. 225, s. 176 (1), *part*, (2).

French or  
German.

(3) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty. R. S. O. c. 225, s. 176 (3).

Counties may  
appoint addi-  
tional Inspec-  
tors and  
change In-  
spectors.

(4) In counties where there are more than fifty public schools, the county council may appoint two or more inspectors, and prescribe and number the territorial limits of each, and change or remove the inspectors from one district or riding of the county to another. R. S. O. c. 225, s. 176 (4).

Warden may  
supply vacan-  
cies in the  
office of in-  
spector.

**151.** In the event of a vacancy occurring in the office of county inspector, the warden of the county may appoint any person legally qualified to fill such vacancy until the next ensuing meeting of the county council. Notice of such appointment or of any appointments by the county council shall be given to the Minister of Education forthwith. R. S. O. c. 225, ss. 177, 178.

Conditions of  
dismissal of  
inspector.

**152.** Every county inspector shall, in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor in Council, or by a majority of the members of the council appointing him, or without cause by a vote of two-thirds of such council, and no such inspector shall be re-appointed without the concurrence of the party who dismissed him. R. S. O. c. 225, s. 180.

Additional  
allowance by  
Lieutenant-  
Governor.

**153.** The Lieutenant-Governor may direct the payment annually out of the Consolidated Revenue of the sum of \$5 per school to each county inspector, and the county council shall pay quarterly at the rate of not less than an equal

equal amount per school, and in addition thereto reasonable travelling expenses, the amount to be determined by the county council. R. S. O. c. 225, s. 181.

**154.** The Lieutenant-Governor in Council may appoint such inspectors as may be deemed expedient for the purpose of inspecting schools in the territorial districts and encouraging the establishment of new schools, and also for conducting any examination prescribed by the Education Department, or reporting on any school matter, and any person or persons so appointed shall be paid out of any moneys appropriated by the Legislature for educational purposes. R. S. O. c. 225, s. 182. (*Amended*)

Additional remuneration to inspectors in new Districts.

**155.** It shall be the duty of every county inspector:—

Duties of inspectors.

1. To visit every public school within his jurisdiction once in each term, unless required to do so oftener (for the adjustment of disputes or other purposes) by the county council which appointed him, and to see that every school is conducted according to this Act and the regulations of the Department;

To visit each school once a term.

2. To examine at his visits of inspection, into the condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice to the teachers, pupils and officers of the school as he may consider proper;

Examine the state of the school.

3. To deliver from time to time, public lectures in his district on some subject connected with public school education;

Deliver lectures.

4. To withhold his order for the amount apportioned from the legislative or municipal grant to any school section; (a) When the school was kept open for less than six months in the year; or (b) When the trustees fail to transmit the annual or semi-annual school returns properly filled up; or (c) When the trustees fail to comply with the school Act, or the regulations of the Education Department; or (d) When the teacher uses, or permits to be used, as a text book any book not authorized by the Education Department; and in every case to report to the trustees and to the Education Department his reasons for so doing;

To withhold order for grant in certain cases.

5. To give when desired any information in his power to the Minister of Education, respecting any public school matter within his jurisdiction, and to prepare and transmit to the Minister of Education, on or before the first day of March, an annual report in the form prescribed by the Education Department;

To give information and report to Minister.

7. To recommend to the county or township council such special aid as he may deem advisable to be given to new or weak school sections in the county;

Aid to poor schools.

Call special school meeting.

8. To appoint, in his discretion, the time and place for a special school meeting ;

May give temporary certificates to teachers.

9. To give, at his discretion, any candidate, on due examination, a certificate of qualification to teach a school within his district until the next ensuing professional examination of teachers ;

Deliver up papers on retiring from office.

10. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or public school board appointing him. R. S. O. c. 225, s. 183. (*Amended*).

#### INSPECTORS OF CITIES AND TOWNS.

Powers and duties of inspectors in cities and towns.

**156.** Inspectors of cities and of towns separated from the county, shall possess the same qualifications and powers and shall be subject to the same duties as county inspectors under this Act, so far as the same are applicable. They shall also discharge such other duties as may be prescribed by the board of school trustees, by whom they are appointed, or by the regulations of the Education Department. R. S. O. c. 225, s. 187.

Appointment of inspectors in cities and towns.

**157.**—(1) Inspectors in cities and in towns separated from the county shall be appointed by the board of public school trustees, and shall be subject to dismissal by the Lieutenant-Governor in Council or by a majority of the members of the board, in case of inefficiency or misconduct, or by a vote of two-thirds of the board without cause, and no such inspector shall be re-appointed without the concurrence of the party who dismissed him. R. S. O. c. 225, s. 184. (*Amended*).

When more than one inspector to be appointed.

(2) When the teachers engaged by the trustees of any city exceed three hundred in number the board shall appoint two inspectors, and likewise an additional inspector for every three hundred teachers on the staff above six hundred. (*New*).

Payment of inspector's salary in towns not separated.

**158.**—(1) When the public school board of any town not separated from the county has before the passing of this Act appointed an inspector, other than the county inspector within whose district such town is situated, the county treasurer, on demand, shall pay to the order of such board a sum of money equal to the amount collected within such town for the payment of the salary of the county inspector. R. S. O. c. 225, s. 185.

Grants in aid of inspector's salary.

(2) The Lieutenant-Governor in Council may direct annually the payment out of the Consolidated Revenue of a sum not exceeding \$5 for every teacher occupying a separate room with a separate register, to the school board of any city or town separated from the county, towards the payment of the salary of the public school inspector. (*New*).



**159.** No inspector of schools shall, during his tenure of office, engage in or hold any other employment, office or calling which would interfere with the full discharge of his duties as inspector. R. S. O. c. 225, s. 188.

Inspector not to hold other offices.

**160.** In cases where any inspector requires the testimony of witnesses to the truth of any fact alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony. R. S. O. c. 225, s. 189.

Inspector to swear witnesses in certain cases.

#### ALLOWANCE TO ARBITRATORS AND INSPECTORS.

**161.**—(1) All persons engaged as arbitrators on any matter arising under this Act shall be paid the sum of four dollars per diem and travelling expenses. In making their award the arbitrators shall, among other things, determine the liabilities of the parties concerned therein for the costs of such arbitration, and such determination shall be final and conclusive. R. S. O. c. 225, s. 190. (*Amended*).

Allowance arbitrators.

(2) When any complaint is made to an inspector with regard to any matter affecting the validity of the election of a public school trustee, or the procedure of a school meeting requiring the taking of evidence where the cause of complaint arose, the trustees of the school section concerned shall pay the inspector while conducting such investigation the sum of \$4 per diem and travelling expenses. (*New*).

Allowance to inspectors in certain cases.

#### SUPERANNUATION.

**162.** Every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least \$4 annually. R. S. O. c. 225, s. 191.

Superannuation fund.

**163.**—(1) On the decease of any teacher or inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. R. S. O. c. 225, s. 192.

Repayment to wife, etc., of deceased teacher.

(2) No teacher or inspector who has reached the age of sixty years shall be held to be disqualified from superannuation by reason of his having retired from active service before reaching the age of sixty, provided that such teacher or inspector has served for a period of thirty-five years, and that no payment shall be made to such teacher or inspector until he has reached the age of sixty. (*New*).

Right of teacher to retire on reaching sixty years of age.

**164.**—(1) Every teacher or inspector who, while engaged in his profession, contributes to the superannuated teachers' fund as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of \$6 per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector.

Supplementary pension.

(2) Every pension payable under this Act may be supplemented out of local funds by any municipal council or public school board at its pleasure.

Application of section.

(3) To remove doubts—nothing in this section contained shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and had not, prior to the 30th day of March, 1885, contributed to the said fund, and no payment for arrears shall be hereafter received. R. S. O. c. 225, s. 193.

Teachers under sixty.

**165.** Every teacher or inspector, under sixty years of age who has contributed as aforesaid, and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. R. S. O. c. 225, s. 194.

\$1 per annum extra to certain teachers.

**166.** Every teacher or inspector entitled to receive an allowance from the superannuated teachers' fund, who holds a first or second class provincial certificate, or a first-class county board certificate, or who is a principal of a high school or collegiate institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute. R.S.O. c. 225, s. 195.

Proviso in regard to good moral character.

**167.** The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. R. S. O. c. 225, s. 196.

Teacher resuming profession.

**168.** If any pensioned teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. In case such teacher or inspector is again placed on the superannuation list a pension for the additional time of service shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. R. S. O. c. 225, s. 197, 198.

Again retiring.

**169.** Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. R. S. O. c. 225, s. 199. Forfeiture of claims.

**170.** In the case of those teachers or inspectors who may not avail themselves of the provisions of sections 162 or 171 of this Act, the provisions of sections 163 to 171 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. R. S. O. c. 225, s. 200. Teachers not availing themselves of Act.

**171.** Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid by him or her to the fund, through the public school inspector, or otherwise. R. S. O. c. 225, s. 201. Repayment to contributors.

#### NON-RESIDENT PUPILS.

**172.**—(1) The trustees of every public school shall admit to their school any non-resident pupils who reside nearer such school than the school in their own section, providing always the inspector reports the accommodation of the school room sufficient for the admission of such pupils. In case of dispute as to the distance from the school, the decision of the inspector shall be final. R. S. O. c. 225, s. 202 (1). (*Amended*). Admission of non-resident pupils.

(2) The parents or guardians of such non-resident children shall pay to the trustees of the school to which their children have been admitted such fees monthly as may be mutually agreed upon, provided such fees, together with the taxes paid to such school (if any), do not exceed the average cost of the instruction of the pupils of such school. (*New*). Fees of non-resident pupils.

(3) Any person residing in one school section, and sending his children to a neighbouring school, shall, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section in which he resides, but it shall be lawful for any board of trustees to remit so much of the school rates of any such person as would be the equivalent of the fees paid to the trustees of the neighbouring section. R. S. O. c. 225, s. 124. A resident of one section sending his children to another section.

(4) In case a county council establishes a house of refuge in any county any person of school age maintained in such house of refuge shall for the purposes of this Act be deemed a non-resident, and the county council shall pay to the trustees of the school attended by such person or persons such monthly fees as may be mutually agreed upon, provided such fees do not exceed the average cost of the instruction of the pupils of such school. R. S. O. c. 225, s. 203. (*Amended*). Pupils in house of refuge.



## HOLIDAYS.

**173.**—(1) The public school teaching year shall consist of two terms: in townships the first shall begin on the third Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

Terms.

(2) In cities, towns and incorporated villages the first term shall begin on the last Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June, with holidays during the week following Easter Sunday.

(3) Every Saturday, every public holiday, and every day proclaimed a holiday by the authorities of the municipality in which the school section is situated, shall be a holiday in public schools. R. S. O. c. 225 s. 204. (*Amended*).

## AUTHORIZED BOOKS.

Only authorized text-books to be used.

**174.** No teacher shall use or permit to be used as text books any books in a model or public school, except such as are authorized by the Education Department, and no portion of the legislative grant shall be paid by the inspector to any school in which unauthorized books are used. R. S. O. c. 225, s. 205.

Change of text-book.

**175.** Any authorized text book in actual use in any public or model school may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given. R. S. O. c. 225, s. 206.

Substitution of unauthorized text-books.

**176.** In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, be liable to a penalty not exceeding \$10 payable to the municipality for public school purposes, together with costs, as the Police Magistrate or Justice may think fit. R. S. O. c. 225, s. 207.

## SPECIAL INQUIRIES.

Remuneration.

**177.** The Minister of Education shall have power to appoint one or more persons, as he may deem expedient, to inquire into and report to him upon any school matter; such inspector or other person or persons shall be entitled to such remuneration out of any moneys appropriated by the Legislature

Legislature for that purpose as may be deemed just and equitable, considering the nature and extent of the duties to be performed. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon. R. S. O. c. 225, s. 226.

Power to commissioners to administer oaths.

**178.** In any matter of inquiry which the Minister is by law authorized to institute, make or direct, a writ or writs of subpoena *ad testificandum* and also *duces tecum* may issue from the High Court upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times, and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpoena shall be punishable as in the like case in any action or cause in the said Court. R. S. O. c. 225, s. 227.

Compelling attendance of witnesses.

#### APPEALS FROM DIVISION COURT DECISIONS.

**179.** The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or *The High Schools Act*, is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case. R. S. O. c. 225, s. 228.

Appeals from division courts.  
Rev. Stat. c. 226.

**180.** The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to the High Court at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)." But nothing herein contained shall be held to interfere with the right of any of the parties to the action exercising the ordinary right of appeal. R. S. O. c. 225, s. 229.

Minister may appeal to high court.

**181.** The Judge whose decision is thus appealed from, shall thereupon certify under his hand, to the Registrar of the Division of the High Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. After notice of appeal has been served as hereinafter provided no further proceeding shall be had in such case until the matter of appeal has been decided by the High Court. R. S. O. c. 225, ss. 230, 231.

Judges to send papers to high court.

No further proceedings to be taken after notice of appeal.

**182.** On the Judge receiving a notice of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement

Judge to certify proceedings to the Minister.

Order of  
Court.

Proceedings  
in division  
court when  
appeal  
decided.

Costs.

statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. The High Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as the circumstances of the case require. Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith. R. S. O. c. 225, ss. 232, 233, 236.

**183** The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Minister, and charged as contingent expenses of his office.. R. S. O. c. 225 ss. 234, 235.

#### SCHOOL VISITORS.

Public School  
visitors  
defined.

**184.** All judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the municipalities where they respectively reside. All clergymen shall be school visitors in the municipalities where they have pastoral charge. R. S. O. c. 225, s. 238.

Authority to  
visit public  
schools.

**185.** All school visitors may visit the public schools as in this Act provided. They may also attend the examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they deem expedient. R. S. O. c. 225, s. 239. (*Amended*).

#### PENALTIES AND PROHIBITIONS.

Information  
to county  
Clerk.

**186.** If any township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall be liable to a penalty not exceeding \$10, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. R. S. O. c. 225, s. 242.

Penalty for  
making a false  
declaration.

**187.** No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions; or by a penalty of not less than \$5 or more than \$10 to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, school section, or other division, for its use. R. S. O. c. 225, s. 243.



**188.** If any person elected as a school trustee attends any meetings of the school board as such, after being disqualified under this Act, he shall be liable to a penalty of \$20 for every meeting so attended. R. S. O. c. 225, s. 244.

Fine on disqualified person acting as trustee.

**189.** No trustee of a school section shall hold the office of public school inspector, or be a master or teacher within the section of which he is a trustee; nor shall the master or teacher of any public, high, or separate school hold the office of trustee, nor shall an inspector be a teacher or trustee of any public, high or separate school while he holds the office of inspector. R. S. O. c. 225, s. 245.

Trustees not to hold certain offices.

**190.** Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school section for which he is a trustee, shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. R. S. O. c. 225, s. 246.

Seat vacated by conviction for crime, etc.

**191.** Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another, with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract agreement, engagement or promise shall be null and void, and on the complaint of the remaining trustee or trustees, the county judge may declare the seat vacant, and forthwith order a new election, provided always that it shall be lawful for the trustees of any rural school section to allow the secretary or secretary-treasurer such compensation for his services, for the purposes specified in this Act as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. R. S. O. c. 225, s. 247. (*Amended*).

Seat vacated by interest in contract with corporation.

**192.** In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of \$5 to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. R. S. O. c. 225, s. 248.

Penalty for not calling school meetings.

**193.** Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behavior, or by making a noise either within the place or where such school is kept

Penalty for disturbing a school or school meeting.

kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20 together with the costs of the conviction, as the said Justice may think fit. R. S. O. c. 225, s. 249.

Penalty for refusing to serve as trustee.

**194.** If any person chosen as trustee refuses to serve he shall forfeit the sum of \$5. R. S. O. c. 215, s. 250.

Penalty for refusing to perform duties.

**195.** Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any person whatsoever for its use, as authorized by this Act. R. S. O. c. 225, s. 251.

Penalty for refusing to exercise corporate powers.

**196.** If the trustees of any public school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. R. S. O. c. 225, s. 252.

Penalty on chairman for neglect.

**197.** Any chairman who neglects to transmit to the county inspector a minute of the proceedings of an annual or other rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than \$5 to be recovered as provided by this Act. R. S. O. c. 225, s. 253.

Liability for neglect to take security.

**198.** If any trustees of any school section refuse or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. R. S. O. c. 225, s. 254.

Responsibility in case of lost school moneys.

**199.** If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any Court having jurisdiction to the amount, or by information at the suit of the Crown. R. S. O. c. 225, s. 255.

**200.** No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. R. S. O. c. 225, s. 256.

Penalty on secretary-treasurer, or trustee for refusing to account.

**201.**—(1) Upon application to the Judge of the County Court, by a majority of the trustees, or any two ratepayers in a school section supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order.

Mode of proceeding.

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. R. S. O. c. 225, s. 257.

**202.** At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. R. S. O. c. 225, s. 258.

Judge to issue order.

**203.** In the event of non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R. S. O. c. 225, s. 259.

Effect of non-compliance with judge's order.



Other remedy  
not affected.

**204.** No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R. S. O. c. 225, s. 260.

Penalty on  
trustees  
refusing infor-  
mation, etc.,  
to auditor.

**205.** The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a rural school section, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. R. S. O. c. 225, s. 261.

Penalty for  
neglect to  
send half-  
yearly returns.

**206.** In case the trustees of any rural school section neglect to transmit to the county inspector, on or before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months, and the trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. R. S. O. c. 225, s. 262.

Penalty for  
delaying  
yearly report.

**207.** In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their county inspector by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of \$5 to be sued for by the county inspector, and collected and applied in the manner provided for by this Act. R. S. O. c. 225, s. 263.

Penalty for  
false school  
reports and  
registers.

**208.—(1)** If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the public school fund of the municipality the sum of \$20 for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Recovery by  
distress.

**(2)** If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender.

(3) The penalty, when so paid or collected, shall by the Application of Justice be paid over to the said public school fund. R. S. O. <sup>penalty.</sup> c. 225, s. 264.

**209.**—(1) The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office. <sup>Trustees personally responsible for moneys lost.</sup>

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R. S. O. c. 225 s. 265.

#### GENERAL PROHIBITIONS.

**210.**—(1) No teacher, trustee, inspector, or other person officially connected with the Education Department, the normal, model, public, or high schools or collegiate institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. R. S. O. c. 225, s. 266. <sup>No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.</sup>

(2) Any teacher who refuses to give up possession of any visitor's book, school register, school house key or any any other school property in his possession shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. (*New.*) <sup>Refusal to give up key, etc.</sup>

#### HOW FINES AND PENALTIES MAY BE RECOVERED.

**211.**—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, by and before any Police Magistrate or Justice of the Peace having jurisdiction within the school section, city, town, or village in which such fine or penalty has been incurred. <sup>How penalties under this Act shall be recoverable.</sup>

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the school section, city, town, or village, or other party entitled thereto.

(3) In default of such distress, the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, are sooner paid. R. S. O. c. 225, s. 267.

#### CONFIRMING

## CONFIRMING AND SAVING CLAUSES.

School lands  
granted before  
1850 vested in  
trustees for  
school pur-  
poses.

**212.** All lands which previous to the 24th day of July 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held. R. S. O. c. 225, s. 268.

Law as to  
Roman  
Catholic sep-  
arate schools  
not affected.

**213.** Chapter 225 of the Revised Statutes of Ontario, 1887, and chapter 51 of the Statutes passed in the 52nd year of Her Majesty's reign, are hereby repealed, but such repeal shall not in any manner or for any purpose be deemed or taken to alter, vary, affect or repeal any provision of law relating to Roman Catholic Separate Schools or the supporters thereof.

## FORM A.

(Section 117.)

## FORM OF SCHOOL DEBENTURE.

## PROVINCE OF ONTARIO.

\$ \_\_\_\_\_ No. \_\_\_\_\_  
*Debenture of the \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_, for  
School Loan.*

The corporation of the \_\_\_\_\_ of \_\_\_\_\_ hereby promises to pay to Bearer at the Bank of \_\_\_\_\_, at \_\_\_\_\_, the sum of \_\_\_\_\_ dollars, lawful money of Canada, \_\_\_\_\_ year from the date hereof; and to pay interest at the rate of \_\_\_\_\_ per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, by virtue and under the authority of *The Public Schools Act, 1891*, of Ontario, and pursuant to By-law No. \_\_\_\_\_ of said \_\_\_\_\_ of \_\_\_\_\_, passed on the \_\_\_\_\_ day of A. D. 18\_\_\_\_, intituled "A By-law to raise by way of loan the sum of \_\_\_\_\_ dollars for the purpose therein mentioned" (or as the case may be).

A. B., Reeve, or Mayor.

C. D., Treasurer.

## COUPON, No.

The Corporation of the \_\_\_\_\_ of \_\_\_\_\_ will pay the Bearer at the Bank of \_\_\_\_\_, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, the sum of \_\_\_\_\_ dollars, interest due on that day on Debenture No. \_\_\_\_\_ C. D., Treasurer.

R. S. O., c. 225, Form A.

CHAPTER



## CHAPTER 56.

## An Act respecting Truancy and Compulsory School Attendance.

[Assented to 4th May, 1891.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears. Interpretation.

(1) "School" shall mean a public, separate, or private school, at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic;

(2) "Inspector" shall mean an inspector of public or separate schools; "Inspector."

(3) "Principal" shall mean the head teacher of any public, separate or private school. "Principal."

2. All children between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which they reside is open each year, unless excused for the reasons hereinafter mentioned, and if the parents or guardians having legal charge of such children shall fail to send them to school regularly for said full term, or if such children shall absent themselves from school without satisfactory excuse, such parents, guardians and children shall be subject to the provisions and penalties of section 9 of this Act. Children from 8 to 14 to attend school.

3. Any person who receives into his house a child of any other person, under the age of fourteen years, and who is resident with him or in his care or legal custody, shall be deemed thereby to be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he should fail to cause such child to be instructed as required by this Act; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force. Duty of persons with whom children reside.

4. No parent, guardian or other person shall be liable to any of the penalties of this Act in respect of any child: Exceptions.

(1) If the child is under efficient instruction at home or elsewhere;

(2)

(2) If the child is unable to attend school by reason of sickness or other unavoidable cause;

(3) If there is no school within two miles, measured by the nearest road from such child's residence, if such child is under 10 years of age, or within three miles if over this age;

(4) If there is no accommodation in the school which the child has the right to attend;

(5) If the child has been excused, as hereinafter provided, from attending school by a Justice of the Peace, or by the Principal of the school which such child is entitled to attend;

(6) If the child has passed the entrance examination for high schools prescribed by the Education Department.

Employment  
of children  
during  
school hours  
prohibited.

Penalty.

5.—(1) Subject to the provisions of the preceding section no child under the age of fourteen years shall be employed by any person, during school hours while the public school of the section or municipality in which the child resides is in session, and any person employing any child contrary to the provisions of this section, shall be liable to a penalty of twenty dollars for each offence.

When justice  
of the peace or  
principal may  
relieve child  
from attend-  
ance.

(2) Where in the opinion of any Justice of the Peace or of the Principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such Justice of the Peace or Principal may, by certificate setting forth the reasons therefor, relieve such child from attendance at school for any period not exceeding six weeks during each public school term.

Certain chil-  
dren may be  
sent to indus-  
trial schools.

Rev. Stat.  
c. 234.

6. Any child between eight and fourteen years of age, who has been expelled from school for vicious and immoral conduct, may on the same being proven before the proper court, be sent to an industrial school as the court in its discretion may deem expedient, subject to the provisions of the *Act respecting Industrial Schools*.

Appointment  
and regula-  
tion of truant  
officers.

7.—(1) The police commissioners, or, in cases where there are no police commissioners, the municipal council, of every city, town and incorporated village shall appoint one or more persons to act as truant officers for the enforcement of this Act. The truant officer shall, for the purposes of this Act, be vested with police powers, and shall have authority to enter factories, workshops, stores and all other places where children may be employed, and shall perform such services as may be deemed necessary for the enforcement of this Act.

(2) In townships the trustees of each school section may appoint a truant officer, who shall have the same power and perform similar duties as truant officers in cities, towns and incorporated villages.

(3).

(3) Any board of police commissioners or any municipal council or board of trustees having authority to appoint a truant officer shall also have authority to make such regulations for his direction in the enforcement of this Act as they may deem expedient, provided such regulations are not inconsistent with any of the provisions of this Act, and are approved by the Education Department.

(4) Notice of all appointments made under this section shall be given to the inspector or inspectors within whose district such truant officers have jurisdiction and to the trustees of the municipality. Every truant officer shall report annually to the Education Department according to the forms prescribed by the Minister of Education.

8. It shall be the duty of truant officers to examine into all cases of truancy when any such come before their notice, or when requested to do so by the inspector of schools, or by any school trustee, or by any ratepayer, and to warn such truants, their parents or guardians, in writing, of the consequences of truancy if persisted in; and also to notify the parent, guardian or other person having the charge or control of any child between eight and fourteen years of age when such child is not attending school as required by this Act, and to require such parent, guardian or other person to cause the child to attend some school within five days from said notice.

Duties of  
truant officers.

9. If the parent, guardian or other person having the legal charge or control of any child, shall neglect, or refuse to cause such child to attend some school after being notified as herein required (unless such child has been excused from such attendance as provided by this Act), the truant officer shall make, or cause to be made, a complaint against such parent, guardian or other person, before any police magistrate or justice of the peace having jurisdiction in the municipality in which the offence occurred, and upon conviction of such refusal or neglect, such parent, guardian, or other person, shall be liable to a fine of not less than five dollars nor more than twenty dollars, or the court may, in its discretion require persons so convicted to give bonds in the penal sum of one hundred dollars, with one or more sureties to be approved by said court, conditioned that the persons so convicted shall cause the child or children under their legal charge or control to attend some school within five days thereafter, and to remain at school as required by this Act.

Conviction  
and penalty  
for violation of  
Act.

10. It shall be the duty of the truant officers appointed under this Act to institute, or cause to be instituted, proceedings against any parent, guardian or other persons having legal control or charge of any child, or against any corporation, or against any child violating any of the provisions of this Act.

Truant officers  
to institute  
proceedings.



Act. No complaint shall be entertained for any violation of this Act, unless it appears to the satisfaction of the court that the alleged offender was duly warned in writing of the consequences of his offence by the truant officer.

Assessors to  
make annual  
list of children  
of school age.

**11.** The assessors of every municipality shall annually, when making their assessment, enter in a book, to be provided by the clerk of the municipality, in the Form A, in the schedule to this Act, the name, age and residence of every child between the age of eight and fourteen years, resident in the municipality, and the name and residence of such child's parent or guardian and return the said book to the clerk of the municipality with the assessment roll for the use of the truant officer.

Trustees to  
report to  
truant officer.

**12.** It shall be the duty of the trustees of every school to report to the truant officer of the municipality in which their school is situated, the name, age and residence of all pupils on the school register, who have not attended school as required by this Act, together with such other information as said officer may require, for carrying out the provisions of this Act. Such reports shall be made in the last week of June and December in each year; and it shall be the further duty of the trustees to report forthwith to the truant officer all cases of truancy or expulsion in their respective schools.

Violations of  
Act by cor-  
porations.

**13.** When any of the provisions of this Act are violated by a corporation, proceedings may be had against any of the officers or agents of the corporation, who in any way participate in such violation by the corporation of which they are the officers or agents, and such officers or agents shall be subject to the same penalties as individuals similarly offending.

Service of  
notices by  
truant officers.

**14.** Any notice or warning required or authorized to be given by a truant officer, for the purposes of this Act may be given by delivering the same to or at the residence of the person to whom it is to be given, or in the case of a company or corporation by delivering the same, or a true copy thereof, to any agent or person employed by such company or corporation; it may also be given by post by a prepaid letter, and if given by post shall be deemed to have been given and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such sending, it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be sent to any company or corporation it shall be deemed to be properly addressed if addressed to any office or agency of such company or corporation, with the addition of the proper postal address.

15. Any person or officer mentioned in this Act, and designated as having certain duties to perform in the enforcement of any of its provisions, neglecting to perform any such duties, shall be liable to a fine of not less than \$25 nor more than \$50 for each and every offence.

Penalty for neglecting to enforce the Act.

16. All prosecutions under this Act may be brought and heard before any of Her Majesty's justices of the peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*.

Prosecutions.  
  
Rev. Stat. c. 74.

17. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court except for the purpose of the hearing and determination of a special case.

Convictions not to be quashed for informality.

18. With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purpose of such proceeding it shall lie with the defendant to prove that the child is not of such age.

Onus of proof of age of child.

19. Nothing herein shall be held to require any Roman Catholic to attend a public school, or to require a Protestant to attend a Roman Catholic separate school. There shall be no penalty in respect of the absence of any child from school on any day regarded as a holy day by the church or religious denomination to which such child belongs.

Certain persons not compelled to attend public or separate schools.

20 This Act shall not come into force until the 1st day of July, 1891.

Commencement of Act.

SCHEDULE.

FORM A.

(Section 11.)

Census of all children between the ages of eight and fourteen in the (city, town, incorporated village or township), (as the case may be) of

Name of Child.	Age.	Parent or Guardian.	Residence.

## CHAPTER 57.

## An Act Consolidating and Revising the High Schools Act.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## GENERAL.

- Short title.      1. This Act may be cited as "*The High Schools Act, 1891.*"
- Interpreta-      2. Where the words following occur in this Act they shall  
tion.      be construed in the manner hereinafter mentioned, unless a  
contrary intention appears.
- "High      (1) "High Schools" shall include collegiate institutes, unless  
Schools."      a contrary meaning appears; R. S. O. c. 226, s. 2.
- "Municipi-      (2) "Municipality" shall mean a city, town, incorporated  
pality."      village or township, but shall not mean a county;
- "County."      (3) "County" shall also include counties united for muni-  
cipal purposes;
- "District."      (4) "District" shall mean the municipalities and parts of  
municipalities over which the high school board of trustees has  
jurisdiction as a corporation;
- "County      (5) "County pupils" shall mean pupils whose parents or  
pupils."      guardians reside in the county in which the high school  
attended by such pupils is situated, but not within the limits  
of any high school district of such county;
- "Resident      (6) "Resident pupils" shall mean pupils whose parents or  
pupils."      guardians reside in the district in which the high school  
attended by such pupils is situated;
- "Non-resi-      (7) "Non-resident pupils" shall mean (a) pupils whose  
dent pupils."      parents or guardians do not reside in the county, city or town  
separated from the county in which the high school attended  
by such pupils is situated, or (b) pupils whose parents or guard-  
ians reside in a high school district of the county other than the  
district in which the high school attended by such pupils is  
situated;
- "Permanent      (8) "Permanent improvements" shall mean such expenditure  
improve-      as may be necessary for the purchase or rental of a residence  
ments."      for the teacher, or for the purchase or rental of a school site  
and the erection or rental of a school house, or for the enlarge-  
ment of both or either of them, or for permanently chang-  
ing the system of heating and ventilation, the erection of  
fences, out-houses and gymnasium, or for the purchase of  
school furniture, maps and apparatus, library, and all other  
appliances required by the Regulations of the Education De-  
partment for High Schools



(9) "Maintenance" shall mean such expenditure as may be necessary for ordinary repairs in the teacher's residence or for the improvement of the grounds attached thereto, and for the salaries of teachers, officers and servants of the board and for conducting the entrance examination prescribed by this Act and for repairs to school buildings, outhouses, gymnasium, and fences and for the improvement of the school grounds, the repair of school furniture, and sundry expenses for ordinary school purposes and such annual additions to the library, apparatus, and other school appliances as may be required by the Regulations of the Education Department for High Schools. (*New*).

3. The trustees of every high school district shall be a corporation, by the name of "The — High School Board," (prefixing to the term "High School," or "Collegiate Institute," the name of the municipality within which such high school or collegiate institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act. The trustees of every high school shall hold office until their successors are appointed and the new board is organized. R. S. O. c. 226, s. 21 (1).

#### UNION OF PUBLIC AND HIGH SCHOOL BOARDS.

4.—(1) The union of the trustees of any public and high school for the joint management of the public and high schools of any municipality shall form one corporation under the name of "The Board of Education" for the city, town, incorporated village or township of — (as the case may be). Such board shall have the powers of trustees of both public and high school trustees. A majority of the members shall form a quorum. R. S. O. c. 225, s 219, 220.

(2) If at any meeting of a board of education called for that purpose a majority of all the members thereof, vote in favour of the dissolution of the board such board shall be dissolved on and after the close of the current year; R. S. O. c. 225, s. 221. (*Amended.*)

(3) In case any board of education is dissolved, the members of such board of education who were appointed on behalf of the high school shall be the board of trustees for such high school, to hold office the full term of their appointment or until changed according to the provisions of this Act. (*New*).

(4) In the case of such dissolution as aforesaid all school property held by the corporation for high school purposes shall be vested in the high school board of trustees, subject to any trust for public school purposes attached thereto; and any other property held or possessed jointly by the corporation before dissolution shall be divided as may be agreed upon

upon by the trustees of the high school and public school respectively at a meeting called for that purpose. If no division is made within six months, then the division shall be made forthwith by the council of the municipality within which the high school is situated; R. S. O. c. 225, s. 222, 223. (*Amended*).

Union of public and high schools hereafter unlawful.

(5) It shall not be lawful for the trustees of any high school to unite hereafter with the trustees of any public school to form a board of education. R.S.O. c. 225, s. 225. (*Amended*).

Existing high school organizations continued.

5. All appointments, agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to high schools existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. R.S.O. c. 226, s. 3. *Part*.

#### HIGH SCHOOL DISTRICTS.

High school districts continued.

6.—(1) All high school districts in existence on the passing of this Act shall remain as then constituted until changed by the municipal council of the county by which they were established, or until altered as is hereinafter provided, but nothing herein contained shall be construed as interfering with any suit or action now pending before any court of competent jurisdiction in which the validity of any high school district is called in question; R. S. O. c. 226, s. 3, 5. *Part*. (*Amended*).

By-laws setting apart portions of counties for high school purposes.

(2) Where prior to the first day of January, 1878, the municipal council of any county did by by-law set apart and constitute any portion of the county as a separate district for high school purposes, the by-law, if not heretofore set aside, repealed, or quashed by any lawful authority in that behalf shall, to all intents and for all purposes be considered and taken as valid, legal and binding, and the high school districts thereby constituted or intended to be constituted, shall also for all purposes be deemed, and taken as having been lawfully and validly constituted; 53 V., c. 72, s. 1.

Right of appeal in certain cases revived.

(3) Any right of appeal from any judge of the High Court of Justice or from a Divisional Court of the said High Court which any party or corporation had on the seventh day of April, 1890, with regard to the validity of any by-law establishing a high school district is hereby revived. (*New*).

Union of portions of municipalities for high school purposes.

7.—(1) On the petition of two-thirds of the ratepayers of any municipality contiguous to a high school district, or, on the petition of two-thirds of the ratepayers of any portion of a municipality contiguous to a high school district, the municipal council of such municipality shall, by by-law, unite the whole, or such portion thereof as is set forth in the said petition, to such high school district for high school purposes, and such union shall take effect on the first of January next following the lapse of six months after the adoption of such by-law.

(2) In like manner and on like petition any municipality or any portion thereof forming part of a high school district, may withdraw from such high school district without the concurrence or any other act on the part of the other municipality or municipalities composing the high school district, but any by-law for such withdrawal shall not come into operation until the first day of January next following the lapse of six months from the passing thereof, and such withdrawal shall not relieve the municipality or any portion thereof so withdrawn from any rates legally imposed for the issue of debentures or from any other debts incurred while such municipality or part thereof was attached to such high school district. R. S. O. c. 226, s. 33. (*Amended.*)

Withdrawal  
from union.

(3) The certificate of the clerk of the municipality with respect to the number of ratepayers in such municipality, or part thereof to which the petition heretofore mentioned is intended to refer, shall be final and conclusive. (*New.*)

Certificate of  
clerk to be  
evidence as to  
number of  
ratepayers.

#### NEW HIGH SCHOOLS.

8.—(1) On or before the first of July in any year, the municipal council of any county may, subject to approval by the Lieutenant-Governor in Council, pass a by-law for the establishment of a new high school in any municipality, containing not fewer than one thousand inhabitants, according to the last municipal census, and the municipal council of any county may in like manner discontinue, at the end of the current calendar year, any high school already established.

Establishment  
and discontin-  
uance of high  
schools.

(2) Where it is proposed to form a high school district to be composed of more municipalities than one, the county council may pass a by-law for the establishment of a high school in any incorporated village, although containing less than one thousand inhabitants, within the proposed district, but such by-law shall not be operative until it is shown to the satisfaction of the Lieutenant-Governor in Council that the adjoining municipalities have passed by-laws as provided by section 7 of this Act, for uniting with such incorporated village so as to constitute a district containing at least 3,000 inhabitants according to the last Dominion census.

In cities.

(3) The municipal council of a city may establish as many high schools in such city as it may deem expedient, subject to the approval of the Lieutenant-Governor in Council. R. S. O. c. 226, ss. 7, 8, 9, 10. (*Amended.*)

9.—(1) In every high school, instruction shall be given in the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics and physics; and the Latin, Greek, French and German languages, so far as to prepare students for matriculation into the University of Toronto. R. S. O. c. 226, s. 12.

Instruction to  
be given in  
high schools.



Preparatory  
classes abol-  
ished.

(2) Preparatory schools or classes shall be abolished on and after the 1st of January next ensuing after the passage of this Act. (*New*)

Collegiate in-  
stitute, how  
constituted

10. On the report of the Minister of Education, and subject to the regulations of the Education Department, any high school having (1) suitable school buildings, out-buildings, grounds and appliances for physical training; (2) a library, containing standard books of reference in the subjects of the high school curriculum; (3) a laboratory, with the necessary chemicals, and apparatus for teaching the elements of the sciences; (4) a staff of at least five teachers, four being specialists one in each of the following departments: Classics, Mathematics, Natural Science, Modern Languages, including English, and any one of the staff being a specialist in the Commercial Department; (5) such other assistants as will secure thorough instruction in all the subjects on the curriculum of studies approved by the Education Department for collegiate institutes; may be constituted a collegiate institute by order of the Lieutenant-Governor in Council. R. S. O. c. 226, s. 13

#### TRUSTEES.

Number and  
appointment  
of high school  
trustees.

11. Every high school corporation shall consist of at least six trustees. In the case of high schools situated in any municipality within the jurisdiction of the county, three of such trustees shall be appointed by the county council, and additional trustees shall be appointed by the municipalities composing the high school district as follows, that is to say:—

(1) Where a high school district is composed of one municipality the municipal council thereof shall appoint three additional trustees; where a high school district is composed of two municipalities, each municipality shall appoint two additional trustees; and where a district is composed of more than two municipalities, each municipality shall appoint one additional trustee. Any portion of a municipality assessed for \$50,000, included in a high school district, shall be considered a municipality for the purposes of this section. In every case one of the trustees appointed by the county council and one trustee in each municipality composing the high school district shall retire each year;

(2) Where a high school district is composed of a county, the county council shall appoint six trustees for such district, two of whom shall retire every year;

(3) In cities and in towns separated from the county, the municipal council thereof shall appoint six trustees for each of the high schools of such city or town; where the high schools in a city do not exceed three in number the municipal council shall appoint six trustees for each high school, and the trustees so appointed

appointed shall, with such additional trustees as are authorized by this Act, form one corporation. The municipal council of every city and town shall, by by-law, provide for the annual retirement of so many of the trustees appointed by the council as shall secure a complete rotation every three years ;

(4) Where the trustees of any high school situated in a city or in a town separated from the county, notify the county clerk that such high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees of and for such high school so long as the school is open to county pupils on the terms aforesaid ;

(5) The separate school board of the city, town, or incorporated village in which a high school is situated, may appoint one trustee of and for such high school board, who shall hold office for one year, provided always, in the case of a board of education, that such trustee shall not take part in any of the proceedings affecting the public school ; R. S. O. c. 226, s. 14, 15, 16, 17, 20. (*Amended.*)

(6) Except in the case of a board of education, the public school trustees of every city, town, or incorporated village in which a high school is situated, may appoint annually one trustee of and for such high school board, who shall hold office for one year. (*New.*)

**12.**—(1) Vacancies arising from the annual retirement of trustees shall be filled at the first meeting thereof after being duly organized in each year by the municipal councils or by the boards of trustees empowered under this Act to make the appointments ; and vacancies arising from death, resignation, or removal from the high school district or county, or otherwise, shall be filled forthwith by the municipal council or board of trustees having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired term of the person whose place has become vacant. R. S. O. c. 226, s. 18. Vacancies,  
how filled.

(2) Any resident ratepayer 21 years of age who is not a member of the municipal council of the municipality or county in which the high school is situated shall be qualified to serve as a high school trustee, or as a member of a board of education. This sub-section shall not apply to any person now serving as a high school trustee or as a member of a board of education until his present term of office as trustee has expired. (*New.*) Qualification  
of trustees.

#### *First Meeting.*

**13.**—(1) The first annual meeting of every board of trustees or board of education shall be held at the hour of seven o'clock in the afternoon of the first Wednesday of February or at such hour First meeting  
of board.

hour of the same day as may have been determined by resolution of the former board, and shall be organized by the election of a chairman, who shall be a member of the board, and a secretary and treasurer or secretary-treasurer. A majority of the board shall form a quorum. R. S. O. c. 226, s. 22. (*Amended*).

Quorum.

Secretary to preside at first meeting until chairman elected.

(2) The secretary or secretary-treasurer for the previous year shall preside at the first meeting of the board until the chairman is elected, or if there be no secretary or secretary-treasurer then such member of the board shall preside as may be appointed for that purpose.

Equality of votes on the election of chairman.

(3) In case of an equality of votes at the election of chairman, the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote, in addition to his vote as a member of the board. R.S.O. c. 226, s. 23. (*Amended*).

Chairman to vote.

(4) The chairman or presiding officer of the board may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R. S. O. c. 226, s. 24.

### *Duties of Trustees.*

Duties of trustees.

**14.** It shall be the duty of every board of trustees and they shall have power:—

Fix meetings of board.

1. To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings;

Charge of high school.

2. To take charge of the high school for which they have been appointed trustees, to keep the school buildings in proper repair, to provide from time to time suitable furniture and equipment, and to see that the grounds and all the property of the corporation are duly protected;

Collection of fees for tuition.

3. To settle the amount to be paid by parents and guardians for each pupil attending the high school, subject to the provisions of this Act, to fix the times of payment, and, when necessary, to sue for and recover such amounts;

Orders for salaries and expenses.

4. To give the necessary orders upon the treasurer of the board for the payment of the salaries of the teachers and other officers and servants of the high school, and for any other necessary expenses;

Application to council for sums for maintenance.

5. To apply to the municipal council or councils, liable under this Act, on or before the first day of August, for such sums as the board may require for the maintenance of the high school, or for any sums not exceeding five hundred dollars in one year for permanent improvements;

Security from treasurer.

6. To take such security from the treasurer of the board as they may deem expedient;



7. To expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school; and to expel any pupil whose parents or guardians neglect or refuse to pay the tuition fees of such pupil after reasonable notice; Expulsion of pupils.

8. To appoint and remove such teachers, officers and servants as they may deem expedient, and to fix their salaries and prescribe their duties; Appointment and removal of teachers.

9. To provide adequate accommodation according to the regulations of the Education Department for all resident pupils, and in the case of high schools receiving aid from the county for county pupils also, subject to section 33 of this Act; Accommodation for pupils.

10. To certify to the treasurer of the county on or before the first of August in each year, the amount of fees collected from county pupils for the calendar year next preceding; Certify fees received.

11. To see that the high school is conducted according to the provisions of this Act, and the regulations of the Education Department; Conduct of school.

12. To prepare and transmit to the Minister of Education, the annual report before the 15th of January, and the semi-annual reports at the close of each half year, in accordance with forms provided by the Education Department. R. S. O. c. 226, s. 25. (*Amended.*) Annual report to minister.

#### SITES FOR HIGH SCHOOLS.

**15** A high school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner without his consent. 51 V. c. 37, s. 2. Selection of site restricted.

**16.** It shall be competent for the trustees to enlarge any existing high school site, as required by the regulations of the Education Department, provided no such enlargement shall be made in the direction of, or including an orchard, garden, pleasure ground or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. 51 V. c. 37, s. 3. Enlargement of school site.

**17.** If the owner of any land selected by the board of trustees of any high school for a site, or for high school purposes or for the enlargement of the high school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of such high school, then such owner and trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the senior county Judge of the county in which the site in dispute is situated, or in the case of his inability to attend, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land. 51 V. c. 37, s. 4. Arbitration in case of disagreement.

Proceedings  
when owner  
refuses to ap-  
point an arbi-  
trator.

**18.** If the owner of land selected for a school site, as provided by the preceding section, neglects or refuses to appoint an arbitrator, it shall be competent for the county Judge, with the arbitrator appointed by the trustees, to meet and determine the matter; and in such cases the county Judge shall have a second or casting vote, if he and such arbitrator do not agree. 51 V. c. 37, s. 5.

Powers of  
arbitrators.

**19.** The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the high school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights, and, upon tender of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the trustees, the land shall be taken and used for the purpose aforesaid. 51 V. c. 37, s. 6.

Proceedings  
when one ar-  
bitrator is  
absent.

**20.** If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, by giving the absent arbitrator notice of the adjournment. 51 V. c. 37, s. 7.

Award to  
constitute  
title.

**21.** Any award for a high school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned therein, and shall be a good title thereto against all persons interested in the property in any manner whatsoever, and shall be registered in the proper registry office on the affidavit of the secretary of the board of trustees verifying the same. 51 V. c. 37, s. 8.

Costs.

**22.** The costs of arbitration shall be paid by the parties concerned in such proportion as may be determined by the arbitrators. 51 V. c. 37, s. 9.

Who may con-  
vey.

**23.** All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other person, seized, possessed of or interested in any land, may contract for, sell or convey all or part thereof to high school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and

and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. 51 V. c. 37, s. 10.

**24.** If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such a time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. 51 V. c. 37, s. 11.

Notice in case owner is absent or unknown.

**25.** The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct. 51 V. c. 37, s. 12.

Particulars of notice.

**26.** If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. 51 V. c. 37, s. 13.

Appointment of arbitrator by Judge.

**27.** Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. 51 V. c. 37, s. 14.

Responsibility of trustees as to compensation.

**28.** If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem

Deposit of compensation money by trustees.



deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the High Court, or in such other manner as the County Judge may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary of the board of trustees verifying the same. 51 V. c. 37, s. 15.

*Property vested in Trustees.*

High school  
property  
vested in  
trustees.

**29.** All property heretofore granted, devised or acquired in any municipality, and vested in any person or persons, or corporation, for high school purposes, or which may hereafter be so granted, devised or acquired, shall be deemed and be taken as having vested absolutely in the board of high school trustees, and the board shall have full power to convey, sell, transfer, or lease such property, upon the adoption of a resolution by the board that such property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for the use of such high school. R. S. O. c. 226, s. 26. (*Amended.*)

MUNICIPAL GRANTS FOR MAINTENANCE.

Aid to high  
schools from  
counties.

**30.** The municipal council of every county shall on or before the 15th day of December in each year pay for the maintenance of every high school in any town not separated from the county, or in any incorporated village or township within the county, an amount equal to the amount apportioned by the Minister of Education for each of such high schools. R. S. O. c. 226, s. 32. (*Amended.*)

When further  
grant from  
county to be  
made.

**31.**—(1) Where the proportionate cost of the maintenance of county pupils at any high school, exceeds, or is alleged to exceed, the amount of money granted by the county council under the preceding section, and of the fees received for county pupils, the county shall be liable for a further sum, in the proportion as nearly as may be which the average attendance of county pupils enrolled at such high school during the preceding three years bears to the average attendance of all the pupils enrolled at the same school for the same period of three years. In the case of new high schools the period herein mentioned for which the average attendance is to be reckoned, shall be the number of years for which such school was open, not exceeding three years.

(2) Where the trustees of any high school situated in a city or in a town separated from the county notify the county clerk that such high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county, the county council shall in all such cases pay the proportionate cost of the maintenance of county pupils at such high schools subject to the provisions of this Act.

Maintenance of county pupils in city or town high school.

(3) The trustees of a high school and the county council may by mutual agreement settle the proportionate amount to be paid by the county for the maintenance of county pupils under this section, but in the event of their inability to agree with respect to such amount either party may refer the matter in dispute to the county judge, who shall have power to settle the same. Where the county judge is a member of the high school board, or where he is unable for any reason to act as referee, the junior county judge, if not a member of the high school board, shall act as referee, or if the junior judge is unable for any reason to act, or if there be no junior judge the senior judge of the adjoining county with the greatest population according to the last Dominion census shall act as referee. Any award made by the referee shall be binding on the parties thereto for the period of three years.

Disputes as to grants to be referred to county Judge.

(4) In all cases of dispute the trustees of the high school shall submit a detailed statement of the receipts and expenditure of their high school for maintenance for each of the preceding years under consideration, such statement to be certified by the auditors authorized under this Act to audit high school accounts; and also a statement of the names, residence and attendance of resident, non-resident and county pupils for the same time each year of a like period, such last mentioned statement to be certified by the chairman of the board. The chairman shall also certify as to the amount of the legislative grant received for the time under consideration and the referee shall deduct the amount so certified from the whole cost of maintenance of each high school, in determining the liability of the county for the maintenance of county pupils.

(5) The costs of reference to the county judge shall be paid by the municipal council of the county and the trustees of the high school concerned, in the proportion which the county pupils bear to all the pupils enrolled in such high school.

Costs of reference.

(6) The municipal council of every county shall levy and collect from the municipalities composing the county the sum or sums for which the county is annually liable for the proportionate maintenance of county pupils less the fees paid by county pupils as certified to the county treasurer by the high school board. (*New.*)

Rate for high school purposes to be levied by county council.

Councils in high school districts to levy rates.

**32.** The municipal council or councils of every high school district shall levy and collect each year from their respective municipalities such sum or sums as the trustees of the high school may deem necessary for the maintenance of the high school in addition to that received from the county council and other sources under this Act, and a further sum, not exceeding five hundred dollars, in any one year, if required by the trustees for permanent improvements, and said sum shall be levied by one uniform rate over the whole district. (*New.*)

#### GRANTS FOR PERMANENT IMPROVEMENTS.

Assessments for improvements exceeding \$500.

**33.** All sums of money required by the trustees of any high school for permanent improvements exceeding five hundred dollars shall be raised by assessment on the ratepayers of the municipality or municipalities composing the high school district, on the application of the board of trustees to the municipal council or councils of the district, made on or before the first of August in each year, and in the event of the municipal council, where the high school district is composed of one municipality, or in the event of a majority of the municipalities composing the high school district approving of such application, the municipality within which the high school is situated shall issue debentures therefor in the manner provided for the issue of municipal debentures under *The Municipal Act* of 1887. R. S. O. c. 226, s. 35 (1). (*Amended.*)

Refusal of municipal council to provide funds.

**34.—(1)** In the case of a high school district composed of one municipality, when the council thereof refuses, or when the high school district is composed of two municipalities, when the council of one municipality refuses, or when a majority of the municipalities composing the high school district refuse to raise or borrow such sum of money aforesaid by debentures, the said council or councils shall, on the request of the trustees, submit such application to the vote of the municipality or municipalities concerned, in the manner provided by *The Municipal Act* for the creating of debts, and in the event of the assent of a majority of the electors in the high school district qualified to vote upon a by-law for creating debts being thereby obtained, it shall be the duty of the council of the municipality in which the high school is situated to raise or borrow such sum. R. S. O. c. 226, s. 35 (2). (*Amended.*)

Rev. Stat. c. 184.

Equalization of rates.

**(2)** When the high school district is composed of more municipalities than one, the municipal council of each municipality composing the district shall pay to the council of the municipality in which the high school is situated such proportion of the loan raised for high school purposes as the equalized assessment of each municipality or part thereof belonging to the high school district, bears to the equalized assessment of the whole district. Provided always that nothing



nothing herein contained shall prevent the municipality within which the high school is situated from assuming the full cost of permanent improvements, or from undertaking to pay any debentures that may be issued for such purpose notwithstanding that such municipality forms only a part of the high school district. (*New.*)

(3) The municipal council or councils of any high school district, or a majority of them, may, if deemed expedient, without submitting the same to a vote of the ratepayers of the municipality or municipalities comprising the district, as required by *The Municipal Act*, for the creating of debts, pass a by-law or by-laws for the purpose of raising or borrowing money, on the application of the high school board for permanent improvements. R. S. O. c. 226, s. 35 (4). (*Amended.*) Rev. Stat. c. 184.

(4) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding thirty, as the municipal council may think fit, or the municipal council may in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by *The Municipal Act*. R. S. O. c. 226, s. 35 (3). Term of debentures. Rev. Stat. c. 184.

**35.** The council of any municipality may raise by assessment in addition to that required to be raised by this Act, such further sums of money as may be deemed expedient by the council for the maintenance or permanent improvement of any high school. R. S. O. c. 226, s. 36. *Part.* Assessments for maintenance or permanent improvements.

**36.**—(1) All moneys raised under the authority of this Act, shall be paid over to the high school treasurer, entitled to receive the same, on or before the 15th day of December in every year. Payment over of moneys to high school treasurer.

(2) The treasurer of every high school board shall give security to the board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the auditors of the municipality in which the high school is situated, whose duty it shall be to audit such accounts in the same way as the municipal treasurer's accounts are audited. R. S. O. c. 226, s. 37. (*Amended.*) Security to be given by treasurer.

#### HIGH SCHOOL FEES.

**37.**—(1) County pupils shall pay to the treasurer of the high school board such fees as the municipal council of the county may deem expedient, provided always such fees shall be uniform and shall not exceed one dollar per month. The scale of fees so fixed shall take effect from the beginning of the high school term next ensuing after adoption thereof by the county council, and shall continue in force for three years. County pupils.

Non-resident  
pupils.

(2) Non-resident pupils shall pay to the treasurer of the high school board such fees as the board of trustees may deem expedient, provided always such fee shall not be greater than the cost of maintenance at such high school, nor less than the fees imposed by the council on county pupils.

Resident  
pupils.

(3) Resident pupils shall pay to the treasurer of the high school board such fees as the trustees of the high school may deem expedient. (*New.*)

#### ENTRANCE EXAMINATION.

Entrance  
examination.

**38.**—(1) A uniform entrance examination for the admission of pupils to high schools shall be held annually in every high school district according to such regulations as may be prescribed by the Education Department. Examinations may be held at such other places in every county as shall be recommended by the county council of which notice shall be given to the inspector by the county clerk. Such places shall be affiliated for the purposes of the examination with a high school in the same inspectoral division. R.S.O. c. 226, s. 38. (*Amended.*)

(2) Every high school district shall be under one board of examiners. The trustees of the public and separate schools of the city, town or incorporated village in which a high school is situated shall on or before the 1st day of June each appoint an examiner, for the purpose of such examination. The inspector or inspectors of public schools of the inspectoral district within which the high school is situated and the principal of the high school shall be *ex-officio* members of such board. (*New.*)

(3) The persons qualified to be appointed examiners shall be persons holding certificates as first class teachers actually engaged in teaching, provided always that any person actually engaged in teaching who is the holder of a second class provincial certificate and who has had five years' experience as a teacher may be appointed examiner, where a first class teacher is not available within such high school district. (*New.*)

Examiners'  
fees.

(4) The Board of Trustees and the Board of Examiners may agree upon the sum to be paid annually for the examination of such pupils, but in the absence of any agreement, examiners shall be allowed the sum of one dollar per pupil for conducting such examination and this allowance shall include the travelling expenses of the examiners, presiding at the examination, reading and valuing the papers of candidates and reporting the results to the Education Department. (*New.*)

Entrance  
examination.

(5) The board of education or the trustees of the high school district within which the examination is held shall on the requisition of the chairman of the board of examiners pay all the expenses of the examination at such high

high school, and such expenses shall be deemed to be part of the cost of maintenance of such high school. At affiliated schools the travelling and other expenses of the presiding examiner shall be paid by the county council. (*New.*)

(6) Any pupil passing the entrance examination may be admitted to a high school provisionally, but it shall be competent for the Minister of Education to consider the appeal of any candidate with regard to the reading and valuation of his papers or on the report of the high school inspectors, to confirm, or disallow the admission of any pupil, or to require of any pupil further tests of proficiency in any of the prescribed subjects of examination. R. S. O. c. 226, s. 41. Pupils passing entrance examination.

(7) County pupils whose examination has been confirmed by the Minister of Education shall have the right to attend any high school aided by the council of the county in which their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the trustees of such school. (*New.*) Rights of pupils.

#### HIGH SCHOOL TEACHERS.

**39.**—(1) No person shall be appointed principal of a high school unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Minister of Education of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as principal in any high school before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section. R.S.O. c. 226, s. 44. Principals of high schools.

(2) No person shall be appointed assistant teacher in any high school who does not possess the qualifications required by the Education Department. (*New.*) Assistant teachers.

(3) Every teacher of a high school shall, in the organization, discipline, management and classification of the pupils be subject to such regulations as may be prescribed by the Education Department. R.S.O. c. 226, s. 48. Teachers.

(4) The provisions of *The Public Schools Act*, respecting superannuation shall apply to teachers of high schools. R. S. O. c. 226, s. 49. Superannuation.

#### AGREEMENTS.

**40.**—(1) Every teacher of a high school who enters into an agreement with any board of trustees for one year and who serves under such agreement for three months or over shall Salary during holidays.



shall be entitled to be paid his salary for the authorized holidays occurring during the period of such service, and also for all other holidays in the calendar year in the proportion which the number of days during which he has taught in the calendar year bears to the whole number of teaching days in such year.

Sickness.

(2) Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year; this period may be increased at the pleasure of the trustees. R. S. O. c. 226, s. 47. (*Amended*).

Neglect of duty.

(3) Any teacher who enters into an agreement with a board of trustees as teacher, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint of any board of trustees, be liable to the suspension of his certificate by the Education Department. (*New.*)

Disputes between teachers and trustees.

41.—(1) All matters of difference between trustees and teachers of high schools in regard to salary or other remuneration, shall be decided in the Division Court, by the Judge of the County Court, in each county: provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Public Schools Act*. R.S.O. c. 226, s. 45.

Enforcing judgment.

(2) In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recovered in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O. c. 226, s. 46.

#### TERMS.

Duration of academic year.

42. The academic year of every high school shall consist of three terms; the first shall begin on the last Monday of August and end on the twenty-second day of December; the second term shall begin on the third day of January and end on the Thursday before Easter Sunday; the third term shall begin on the second Monday after Easter Sunday, and end on the thirtieth day of June. Every Saturday, every public holiday and every day proclaimed a holiday by the council of the municipality in which the high school is situated shall be a holiday in such high school. R.S.O. c. 226, s. 50. (*Amended.*)

#### LEGISLATIVE GRANT.

Apportionment of Legislative grant.

43. Any sum of money appropriated by the Legislative Assembly for high school purposes shall be apportioned by the Minister of Education on the basis of salaries paid to the

the teachers, the character and equipment of the school buildings and appendages, and the average attendance of pupils, according to the regulations of the Education Department, and all moneys so apportioned shall be payable half-yearly to the treasurer of each high school board in such manner as may be determined by the Lieutenant-Governor in Council, and notice of such apportionment shall be given to the county clerk. R. S. O. c. 226, s. 52. (*Amended.*)

44. No high school which is not conducted according to this Act, and the regulations prescribed by the Education Department, shall be entitled to receive any part of the high school fund. R. S. O. c. 226, s. 53. (*Part.*)

Schools disentitled to sharing in high school fund.

45. It shall be lawful for the Lieutenant-Governor in Council to prescribe a course of elementary military instruction for high school pupils, and to appropriate out of any money granted for the purpose a sum not exceeding \$50 per annum to any school employing a competent drill instructor, and in which school a class of not less than twenty-five pupils has been taught for a period of at least six months. Such classes and instruction shall be subject to such inspection and oversight as the Lieutenant-Governor in Council may direct. R. S. O. c. 226, s. 54.

Elementary military instruction.

46. No high school trustee shall enter into any contract agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall declare the same vacant forthwith, and notify the clerk of the municipality, or board of trustees having authority to appoint such trustee accordingly. R. S. O. c. 226 s. 57. (*Amended.*)

Trustees contracting with board.

47. If a trustee of any high school is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the county or municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant forthwith, and notify the clerk of the county or municipality or board of trustees having authority to appoint such trustee accordingly. R. S. O. c. 226, s. 58. (*Amended.*)

When seat on board may be declared vacant.

Disturbing  
schools.

**48.** Any person who wilfully interrupts or disquiets any high school established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the high school shall, for each offence, on conviction thereof before a Police Magistrate or Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for high school purposes to the trustees of the high school district within which the offence was committed, such sum not exceeding \$20 together with the costs of conviction, as the said Police Magistrate or Justice may think fit. R. S. O. c. 226, s. 59.

#### AUTHORIZED BOOKS.

Text books.

**49.** No teacher shall use or permit to be used as text books any books in a high school, except such as are authorized by the Education Department, and no portion of the legislative or municipal grant shall be paid to any high school in which unauthorized books are used. R. S. O. c. 226, s. 60.

Change of  
text books

**50.** Any authorized text book in actual use in any high school may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given. R. S. O. c. 226, s. 61.

Teachers sub-  
stituting  
unauthorized  
text books.

**51.** In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, as the case may be, be liable to a penalty not exceeding \$10, payable to the municipality for high school purposes, together with costs, as the Police Magistrate or Justice may think fit. R. S. O. c. 226, s. 62.

Rev. Stat. c.  
226; 51 V. c.  
37; 53 V. c.  
72 repealed.

**52.** Chapter 226 of the Revised Statutes of Ontario, 1887, chapter 37 of the Acts passed in the fifty-first year of Her Majesty's reign, and chapter 72 of the Acts passed in the fifty-third year of the said reign are repealed.



## CHAPTER 58.

An Act to amend the Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the *Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges*, as amended by chapter 52 of the Acts passed in the 52nd year of Her Majesty's reign, is hereby further amended by striking out in line 18 of sub-section 2 thereof the number "1891," and substituting the number "1893" in lieu thereof.

Rev. Stat.  
c. 230, s. 6,  
and 52 V., c.  
52, amended.

2. The board of regents of Victoria University and the senate of Victoria University, respectively, shall each have the power at any lawful meeting to appoint the place and time of their next following meeting, or to make a general by-law providing generally for the place at which such meetings shall be held, respectively.

Meetings of  
board of reg-  
ents and sen-  
ate of Victoria  
University.

3. The first election of representatives to the senate of the University of Toronto by the graduates in arts of Victoria University under chapter 230 of the Revised Statutes of Ontario, 1887, shall be held in the manner provided in said Act, between the second Wednesday of September and the first Wednesday of October, A.D. 1891, and the representatives so elected shall hold office for the period of four years thereafter.

First election  
of representa-  
tives of  
Victoria  
University to  
senate.

4. The second election of representatives to the said senate by the graduates in arts of the University of Toronto shall be held in the manner provided in said Act, between the second Wednesday of September and the first Wednesday of October in the year 1892, and the representatives so elected shall hold office for the period of three years thereafter.

Date of  
second  
election.

5. After the elections provided for in the two preceding sections of this Act, the graduates in arts of the University of Toronto and the graduates in arts of Victoria University, respectively, shall elect their representatives to the said Senate at the same time and as if the same constituted one election, but in the election to be held in the year 1895 the graduates in arts of the said Universities shall vote as two separate and distinct bodies, as provided by sub-section 5 of section 11 of

Mode of  
election for  
subsequent  
years.

said chapter 230 of the Revised Statutes of Ontario, 1887, but in all elections thereafter the graduates in arts of both Universities shall vote as members of one convocation.

Number of  
representa-  
tives to be  
elected.

6. So long as such separate elections of representatives of the graduates in arts of the University of Toronto and Victoria University shall continue, the graduates in arts of the University of Toronto shall be entitled to elect twelve representatives, and the graduates of Victoria University shall be entitled to elect five representatives, but so soon as such separate elections cease such graduates in arts of said two Universities shall vote as members of one convocation, as provided by sub-section 5 of section 11 of said Act, and elect in all seventeen representatives.

List of  
persons  
entitled to  
vote.

7. For the purposes of all elections aforesaid at which graduates of Victoria University are entitled to vote, the registrar of Victoria University shall on or before the first day of June in each year in which an election of representatives by graduates of Victoria University is to be held, furnish to the registrar of the University of Toronto for the purpose of enabling him to make out the election register, a list of the names of all graduates of Victoria University who are entitled to vote, with their post office addresses.

Inconsistent  
enactments  
repealed.

8. The provisions of the said chapter 230 of the Revised Statutes of Ontario, 1887, and of any Act amending the same in so far as inconsistent with the provisions of this Act, are hereby repealed.

## CHAPTER 59.

### An Act respecting Industrial Schools.

*[Assented to 4th May, 1891.]*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Aid to indus-  
trial schools,  
from school  
boards.

1. Any school board authorized to establish industrial schools may aid such schools in the same manner as other schools, notwithstanding that such school does not lie within the municipality or school section wherein such school board has jurisdiction; provided such school shall have been established by the said school board, or by some society to which the said school board has delegated its powers, and upon the board of management of which it is represented.

2. Any society incorporated under the *Act respecting Benevolent, Provident and other Societies*, or under any other Act in force in this Province, in addition to the powers therein contained as to raising money on the security of its property, shall have the right to borrow money on debentures, and for that purpose may issue debentures pledging all the real and personal estate of the society for the payment of such debentures. The issue of such debentures shall not exceed two-thirds of the value of the property owned by such society, and no debenture shall be for a less sum than \$100. A certificate of the number and amount of such debentures, as they are issued under the seal of the society and signature of the president or secretary, shall be filed in the registry office or offices where the lands affected lie, which certificates shall be open to inspection on payment of 10 cents.

Societies incorporated under Rev. Stat., c. 172, may borrow on debentures.

3. Any religious corporation may out of lands held by the corporation, whether rectory or other lands, and over which such corporation has a power of sale, set apart and grant or lease for a nominal consideration, or otherwise for industrial school purposes, such portions of said lands as said corporation, or the committee having power to sell the same may think proper, without the corporation being deemed guilty of a breach of trust.

Religious corporations empowered to grant or lease lands to industrial schools.

4. The board of management of any industrial school in addition to the powers they now possess may arrange for the maintenance and education of any child committed to their care in any satisfactory home outside of such school, provided that the control of the board over such child shall not thereby be abated or diminished, nor the liability of any municipality for the maintenance of such child thereby increased and in all cases when the cost of maintenance at such house is less than the statutory liability of any municipality, such municipality shall be chargeable only with the amount paid by said board of management.

Maintenance and education of children in homes outside of school.

## CHAPTER 60.

### An Act for the establishment of Mining Schools.

[Assented to 4th May, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The words “union municipality,” where used in this Act, shall mean a municipality composed of two or more townships or wards.

Interpretation  
“Union  
municipality.”

(2)



"Ward."

(2) The word "ward," where used in this Act, shall mean a ward or township forming part of any union municipality.

By-laws for establishment of mining schools.

2. Any city, town, incorporated village, township, or union municipality may, by by-law, provide for the establishment within such city, town, incorporated village, township, or union municipality, or elsewhere of a mining school, and may by said by-law provide for the levying of a special annual rate upon the whole of the ratable property thereof, for any term not less than ten, nor more than thirty years, for the establishment or maintenance of such school or both, or for the leasing of buildings, or grounds, or for the purchase of lands and erection of buildings, or for the purchase and maintenance of machinery, furnaces and scientific apparatus, and all other things necessary for the treatment of any ore, or other mineral found in the Province, and of all the appliances necessary for the treatment of such ores or minerals by reduction, smelting, and other works, as well as all appliances, works, methods and systems necessary for the separation, amalgamation, manufacture, or other treatment of the metals thereby produced, and for the maintenance of the necessary teaching staff; provided that no such by-law shall be finally passed until it shall have first received the assent of a majority of the electors of the municipality in the manner provided by *The Municipal Act* with respect to by-laws for creating debts.

Proviso.

Establishment of schools in portions of municipalities.

3. In case a petition is presented from any township, or ward, forming part of a union municipality to the council of such union municipality, praying for the passage of a by-law for any or all of the purposes set out in the preceding section of this Act, it shall be the duty of such council to submit a by-law for the assent of the electors of such township or ward in accordance with the prayer of the petition, and upon the assent of a majority of the electors of such township or ward being obtained to the passage of the by-law, to pass the same, and levy and collect a special annual rate upon the whole of the ratable property within such township or ward for any term of years not less than ten nor more than thirty years, for any of the purposes by the preceding section provided.

Aid to mining schools from municipalities

4. Subject to the assent of the electors being first obtained as provided by section 2 of this Act the council of any city, town, incorporated village, township, or union municipality may pass a by-law, or by-laws providing for the granting of aid by way of bonus to any such school already established or to be established, either in any township or ward forming part of such municipality or elsewhere, and every such by-law shall provide for the issue of debentures for the purpose of granting such bonus

bonus, provided that such debentures shall not be payable within any period less than ten years nor more than thirty years after the issue thereof and such by-law shall provide for the levying and collection of a special annual rate for payment of such debentures, and the interest thereon to be levied upon all the ratable property within the municipality.

5. The council of any county may by a by-law which has been passed by the votes of two-thirds of the whole number of members thereof, grant aid to the extent of \$10,000 to any mining school established or to be established under the provisions of this Act, for any or all of the purposes mentioned in section 2 hereof. Aid from counties.

6. Every school so established or aided shall be under the management and control of a board of trustees, who shall be elected annually, one by each of the cities, towns, incorporated villages, townships or union municipalities granting such aid, and the trustees so elected shall be a body corporate and politic under the name of "The Board of Trustees of the Mining School of \_\_\_\_\_," and all the school lands, buildings and property belonging thereto shall be vested in such corporation, and when any county council shall make a grant such council shall be entitled to appoint one of the trustees of the Board. Schools to be managed by board of trustees.

7. Every school so established shall be conducted in accordance with such regulations of the Education Department as may from time to time be made with reference thereto, and all teachers or instructors employed in any school shall, before entering upon their duties, obtain a certificate or permit from the Minister of Education. Schools to be subject to regulations of Education Department.

8. If any such school shall be established or aided by only one municipality, or one portion of a municipality then such municipality, or the township, or ward thereof granting such aid shall elect three trustees for the purposes mentioned in section 5, and where only two municipalities, or two townships or wards forming a part thereof grant such aid then each of such municipalities, or of such townships, or wards shall elect two trustees. Number of trustees.

9. If at any time a school established under this Act shall be abandoned, or in case the trustees of any such school refuse or neglect to comply with any order or regulation of the Education Department, the Minister of Education may by an order in writing signed by himself, authorize the council or councils granting aid to such school to cease to collect or levy the rates hereinbefore provided for, and may direct the council to cease to pay over to the trustees of such school, any sums in the hands of the council payable to the said trustees; provided, that this section shall not apply to, or affect in any way the levying of rates for the payment of debentures issued under the provisions of this Act. Where school abandoned or departmental regulations violated.

Application of  
railway aid  
clauses of  
Rev. Stat. 184

10. Except where inconsistent with the provisions of this Act the provisions of *The Municipal Act* with regard to granting aid from any municipality or portion of a municipality to any railway shall apply to the by-law which may be passed under this Act.

Election and  
powers of  
trustees.

11. Any board of trustees to be elected under this Act shall be elected in the manner provided for the election of municipal councillors within the municipality establishing such a school, or granting such aid, and the said trustees shall, in so far as the same are applicable, with regard to the management and control of the mining school, possess the same powers and be subject to the same provisions of law as public school trustees.

Act incor-  
porated with  
Rev. Stat. c.  
184 and c. 185

12. Except where inconsistent therewith, this Act shall shall be read with and form part of *The Municipal Act* and shall apply to municipalities formed under section 1 of the *Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River*.

## CHAPTER 61.

### An Act to consolidate the debt of the Town of Alliston.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS the corporation of the town of Alliston, in the county of Simcoe, have by their petition represented that they have incurred debts and liabilities for the purpose of giving a railway bonus, aiding a manufactory and erecting a public school, to the extent of \$17,000, for which amount debentures of the said town have, from time to time, been issued under the authority of various by-laws, and are also indebted to the extent of \$2,500 for floating liabilities; and whereas the sum of \$2,500 will be required to make certain local improvements of a permanent character; and whereas the annual payments that have to be made on account of said debentures, and speedy provision for the proposed improvements together with the retirement of the floating liabilities hereinbefore referred to, in the course of a few years, would make taxation unduly burdensome and oppressive to the rate-payers of said town; and whereas the said corporation by their petition have prayed that the said debts, secured and unsecured, may be consolidated, and that the said corporation may issue debentures for that purpose; and whereas it is expedient to grant the prayer of said petition; Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said debts of the town of Alliston are hereby consolidated at the sum of \$19,500, and it shall be lawful for the town of Alliston aforesaid to raise by way of loan on the credit of the debentures hereinafter mentioned and to be issued under authority of this Act, from any person or persons or body corporate, a sufficient sum or sums to retire the said debentures, amounting to \$17,000, as they respectively become due, and to pay off the other debts, amounting to \$2,500, not exceeding in the whole the said sum of \$19,500, exclusive of interest thereon.

Debts consolidated at \$19,500.

2. It shall be lawful for the said corporation of the town of Alliston, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums, not exceeding in the aggregate \$19,500, as the said corporation may from time to time direct, and the principal sum, secured by the said debentures, and the interest accruing thereon, may be payable wherever the corporation aforesaid may deem expedient.

Power to issue debentures for \$19,500.

3. The corporation of the said town may, for the purpose mentioned in section 7 hereof, raise money by way of loan on the said debentures in this Dominion or in Great Britain, or elsewhere, or sell and dispose of said debentures from time to time as may be found expedient, and the debentures issued under authority hereof to retire the school debentures issued shall be a charge on the assessed property of the Alliston union school section.

Power to raise money on debentures.

4. The said debentures shall be payable in not more than twenty years from the issue thereof respectively, as the said corporation may direct, and shall have coupons attached for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of December in each year, at the places mentioned therein, and in the coupons attached to said debentures, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Payment of debentures and interest.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually, to provide and maintain a sinking fund sufficient with interest thereon at the rate the debentures bear, to retire said debentures at the expiration of their currency, and to make full provision for the interest instalments as they mature on said debentures; and the rate provided for herein shall be known as "The Consolidated Loan Rate," and shall in each year during

Special rate.

during the continuance of said debentures be inserted in a separate and distinct column on the collector's roll of said town, and shall not be included with any other rate or rates.

Investment of sinking fund.

6. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the said outstanding debentures issued by said corporation under authority hereof, or in government securities, municipal debentures, or in first mortgages on real estate and being the first lien on said estate, but not to any greater extent than one-half of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to said investment, or that may be sanctioned by the Lieutenant-Governor in Council, or said corporation may deposit the moneys forming said sinking fund in whole or in part in any chartered bank of the Dominion of Canada that may be approved of by the council of said corporation from time to time.

Application of debentures.

7. The debentures to be issued under authority hereof, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the debentures of the town of Alliston, amounting to \$17,000, in payment of the floating liabilities hereinbefore referred to, and amounting to \$2,500, and in no other manner whatsoever, and shall be known as "Consolidated Debt Debentures."

Outstanding debentures may be called in.

8. The treasurer of the said corporation shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under this Act, or may with the like instructions and consent substitute therefor the said debentures, or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the council of the said corporation and the holders of the said outstanding debentures.

Assent of electors not required.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied; and it shall not be necessary to obtain the assent of the electors of the said town of Alliston to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* and the amendments thereto.

Rev. Stat., c. 184.

10. It shall be the duty of the treasurer of the said town, from time to time, to keep, and it shall be the duty of each of the members of the council of the said town of Alliston to procure such treasurer to keep, and to see that he does keep, a proper book of account, setting forth a full and particular statement,

Treasurer to keep proper books of account.

statement, so that the same shall at all times show the number of debentures, which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of said debentures, and the application which shall be made, from time to time, of the said amounts, and the investments which shall be made, from time to time, of the sinking fund; and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

11. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest and to form a sinking fund, may be in the form of schedule "B" to this Act. Form of debentures and by-law.

12. No irregularity in form, either of the said debentures to be issued under this Act, or of the by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any of either of them, or any part thereof. Irregularities in form not to invalidate debentures.

## SCHEDULE A.

### (Section 11.)

#### PROVINCE OF ONTARIO, TOWN OF ALLISTON.

##### *Consolidated Debt Debenture.*

Under and by virtue of an Act to consolidate the debt of the town of Alliston, passed in the 54th year of Her Majesty's reign, and chaptered the corporation of the town of Alliston, in the county of Simcoe, promise to pay the bearer at \_\_\_\_\_, the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand \_\_\_\_\_ hundred and \_\_\_\_\_ and the \_\_\_\_\_ yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Alliston, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

## SCHEDULE B.

### (Section 11.)

By-law No. \_\_\_\_\_, to authorize the issue of debentures under the authority of an Act to consolidate the debt of the town of Alliston, passed in the \_\_\_\_\_ year of Her Majesty's reign, chaptered \_\_\_\_\_, and the levying of a special rate for the payment of said debentures.

Whereas



Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$19,500 in the whole, as the said corporation of the town of Alliston may direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ , payable on the day of , with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debentures attached; and whereas the said Act requires for the payment of the debentures to be issued thereunder, that the council shall levy a special rate, which shall be sufficient to pay the sums falling due annually for interest on said debentures, and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of \$ to be raised annually for the said interest and sinking fund; and whereas the amount of the whole ratable property of the town of Alliston, according to the last revised assessment roll for the said town, being for the year one thousand eight hundred and ninety , was \$

Therefore the municipal corporation of the town of Alliston enacts as follows:—

1. Debentures under the said Act, and for the purposes therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per cent. per annum, payable yearly on the day of in each year.

3. For the purpose of forming a sinking fund for the payment of the said debentures, and for the interest at the rate aforesaid to become due thereon, the sum of \$ shall, over and above and in addition to all other sums or rates, be raised, levied, and collected in each year upon all ratable property in the said town of Alliston, during the continuance of the debentures or any of them.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and ninety

## CHAPTER 62.

### An Act respecting the Town of Bracebridge.

*[Assented to 4th May, 1891.]*

Preamble.

WHEREAS the municipal council of the town of Bracebridge, in the district of Muskoka, and a majority of the residents and real estate owners in the adjoining territory within the boundaries hereinafter mentioned have, by their petitions represented that the extension of the limits of the said town by setting off and attaching to said town the portion of the township of Macaulay lying between the southerly boundary of said town and the town line between the townships of Macaulay and Draper, hereinafter in this Act more particularly described, and the re-arrangement of the wards of the said town would promote its future progress and prosperity, and enable the council of the said town to grant exemption from taxes and other privileges to certain manufacturing industries about to be established within the limits of that part of the said township of Macaulay hereinafter more particularly described, and would render the boundaries of the said town more compact, and enable its inhabitants to carry out improvements they are desirous of making in such adjoining territory; and whereas it is expedient to grant the prayer of the said petitions;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Those certain parcels or tracts of land and premises situate, lying and being in the township of Macaulay, being composed of lot No. 4 in the first concession and portions of lots numbers 1, 2 and 3 in the first concession, together with a portion of the road allowance between the townships of Macaulay and Draper, and a portion of the road allowance between the townships of Macaulay and Muskoka, and which parcels or tracts of land and premises may be more particularly described as follows, that is to say: Commencing at the intersection of the centre of the road allowance between the townships of Macaulay and Draper with the centre of the road allowance between the townships of Macaulay and Muskoka; thence northerly along the centre of the last mentioned road allowance and across the Muskoka river 5 chains 35 links more or less to the intersection of the centre of the road allowance between the townships of Macaulay and Monk with the northerly bank of the Muskoka river; thence north-easterly following the windings of the northerly bank of the said river 75 chains more or less to a point where the westerly limit of Block V on the southerly side of the Muskoka river produced northerly would intersect the said northerly bank; thence south-easterly across the said river 1 chain 30 links more or less to the westerly angle of the said Block V; thence south-easterly along the corporation limit of the town of Bracebridge 33 chains 75 links more or less to the westerly limit of lot number 4 in the first concession of the township of Macaulay; thence northerly along the westerly limit of the said lot number 4, 37 chains 75 links more or less to the north-westerly angle of the said lot number 4; thence easterly along the northerly limit of the said lot number 4, 20 chains more or less to the north-easterly angle of the said lot; thence southerly along the easterly limit of the said lot number 4, 50 chains 50 links more or less to the centre of the road allowance between the townships of Macaulay and Draper; thence westerly along the centre of the last mentioned road allowance 80 chains more or less to the place of beginning, and containing by admeasurement 222 acres of land and 32 acres of water be the same more or less, shall, from and after the passing of this Act, be detached from the said township of Macaulay and added to the existing limits of, and form part of the said town of Bracebridge, subject to the same provisions of law as if such addition had been made under *The Municipal Act* and amendments thereto, except so far as the same are inconsistent with the provisions of this Act.

Description of  
lands to be  
added to the  
town of Brace-  
bridge.

Rev. Stat. c.  
184.

2. The said part of the township of Macaulay so detached from that township and added to the town of Bracebridge as aforesaid, together with a portion of the first ward as herein-  
after

Part annexed  
with other  
lands to form  
new wards.

after described, shall be and become a ward of the said town, and shall be called and known as the Fourth Ward, and it shall be subject and liable for its share of the debts and obligations of the corporation of the town of Bracebridge, now existing, or which shall be in existence on the passing of this Act, and shall also be liable for the same rates for the payment thereof as the remainder of the town.

52 V. c. 57,  
s. 5 repealed.

3. Section 5 of chapter 57 of the Acts passed in the 52nd year of Her Majesty's reign, intituled "An Act to incorporate the town of Bracebridge, and for other purposes," is repealed and the following substituted therefor:

Wards.

5. The said town shall be divided into four wards to be called respectively "First," "Second," "Third," and "Fourth" wards, which said wards shall be respectively composed and bounded as follows:—

First ward.

(1) The First Ward shall be composed of that portion of the town of Bracebridge described as follows: Commencing at the intersection of the centre line of Ontario street with the centre of the town line between the township of Monck and the town of Bracebridge; thence easterly along the centre of Ontario street to the centre of Dominion street, thence northerly along the centre of Dominion street to the centre of the Muskoka road; thence south-easterly along the centre of the Muskoka road to the centre of the channel of the Muskoka river; thence south-westerly following the centre of the said river to the westerly limit produced of lot number 1 lying south of Gordon street; thence northerly parallel with the town line between the township of Monck and the town of Bracebridge to the centre of Gordon street, thence easterly along the centre of Gordon street to the centre of the said town line; thence northerly along the centre of the said town line to the place of beginning.

Second ward.

(2) The Second Ward shall be composed of that portion of the town of Bracebridge described as follows: Commencing at the intersection of the centre line of Ontario street with the centre of the town line between the township of Monck and the town of Bracebridge; thence northerly along the centre of the said town line to the northerly limit of said town of Bracebridge; thence easterly along the said northerly limit to the centre of the Muskoka road; thence south-easterly along the centre of the Muskoka road to the centre of James street; thence south-easterly along the centre of James street to the centre of Mary street; thence south-westerly along the centre of Mary street to the centre of the Muskoka road; thence south-easterly along the centre of the Muskoka road to the centre of Dominion street; thence southerly along the centre of Dominion street to the centre of Ontario street; thence westerly along the centre of Ontario street to the place of beginning.

(3)



(3) The Third Ward shall be composed of that portion of the Third ward. town of Bracebridge described as follows: Commencing at the intersection of the northerly limit of the said town of Bracebridge with the centre of the Muskoka road; thence south-easterly along the centre of the Muskoka road to the centre of James street; thence south-easterly along the centre of James street to the centre of Mary street; thence south-westerly along the centre of Mary street to the centre of the Muskoka road; thence south-easterly along the centre of the Muskoka road to the centre of the channel of the Muskoka river; thence northerly following the centre of the said river to the line between the first and second concessions of the township of Macaulay; thence easterly along the said concession line to the easterly limit of the said town of Bracebridge; thence northerly along the said easterly limit to the north-easterly angle of the said town; thence westerly and southerly along the northerly limit of the said town to the north-easterly angle of Block XIII.; thence westerly along the northerly limit of the said town to the place of beginning.

(4) The Fourth Ward shall be composed of that portion of Fourth ward. the town of Bracebridge described as follows: Commencing at the intersection of the centre of the road allowance between the townships of Macaulay and Draper with the centre of the road allowance between the townships of Macaulay and Muskoka; thence northerly along the centre of the last mentioned road allowance to the centre of the channel of the Muskoka river; thence north-easterly following the centre of the said river to the line between the first and second concessions of the township of Macaulay; thence easterly along the said concession line to the north-easterly angle of lot four in the first concession of the said township; thence southerly along the easterly limit of the said lot four to the centre of the road allowance between the townships of Macaulay and Draper; thence westerly along the centre of the last mentioned road allowance to the place of beginning.

4. On the third Monday after the passing of this Act, Councillor new ward. there shall be elected two councillors for the said ward number four, and the council of the said town shall hereafter consist of a mayor, a reeve, and two councillors for each of the said wards.

5. The proceedings for the nomination and election of the Nomination for first election of councillors. two councillors for said ward number four, shall be the same as if two councillors for the said ward had vacated their offices and a new election were being held to fill the vacancies so created.

6. On the third Monday after the passing of this Act School trustees in new ward. there shall be elected two school trustees for the said ward number four, and the board of public school trustees shall hereafter consist of eight trustees, two for each of the said wards.

Nomination  
for first  
election of  
trustees.

7. The proceedings for the nomination and election of the said trustees shall be the same as if two trustees of the said ward number four had vacated their offices, and a new election were being held to fill the vacancies so created.

Liability of  
added lands  
not affected.

8. Nothing in this Act contained shall exempt any part of the lands so detached and added as aforesaid from liability for the debts and obligations contracted before the passing of this Act by the municipality of which said lands formed part.

Adjustment  
of debts and  
liabilities.

9. Said debts and liabilities shall be adjusted between the municipalities interested therein in the manner and form provided in such cases by *The Municipal Act* and amendments thereto.

By-laws of  
town to apply  
to new  
territory.

10. All by-laws and municipal regulations of the said township of Macaulay shall, on, from and after the passing of this Act, cease to be in force or have any effect, except by-laws creating debts (if any) in any part of the territory so added to said town by this Act, and all by-laws and municipal regulations of the said town of Bracebridge shall, on, from and after the passing of this Act, extend to and have the same force and effect in the territory so added as aforesaid, as if such territory had heretofore formed part of the said town.

Expenses of  
Act.

11. The expenses incurred in obtaining this Act, and of procuring any documents, copies of papers, writings, deeds, plans, or any matter whatsoever required by the clerk or other officer of the said town of Bracebridge, or otherwise, shall be borne by the said town and paid by it to any person entitled thereto.

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## CHAPTER 63.

### An Act respecting the Village of Casselman,

[Assented to 4th May, 1891.]

Preamble.

WHEREAS on the 22nd day of June, 1888, the council of the municipal corporation of the united counties of Prescott and Russell did pass a by-law numbered 400, and intituled a "By-law to erect the unincorporated village of Casselman and neighborhood into an incorporated village apart from the township of Cambridge, by the name of Casselman;" and whereas the said by-law has been acted upon for the purposes of elections, municipal government, assessment, formation of school sections, collection of taxes, and otherwise, so that for all purposes the said village of Casselman since the coming into force of the said by-law has been

been governed as a separate municipal corporation; and whereas certain legal and technical objections were taken to the validity of the said by-law, and a motion was made to the High Court of Justice to quash the same, which proceeding is still pending, and is now in appeal to the Supreme Court of Canada: and whereas it appears that in the event of the said by-law being quashed at this late date, great inconvenience and confusion will be caused, not only to the municipal affairs of the said village of Casselman, but also to the said township of Cambridge and the united counties of Prescott and Russell generally, with regard to taxes, assessments, the franchise and municipal government; and whereas a final judgment on the said appeal to the Supreme Court of Canada would not necessarily settle the question of the validity of the said by-law and the status of the said village; and whereas certain rate-payers of the said village of Casselman have petitioned praying that the said by-law and all acts done thereunder be confirmed, and that an Act may be passed to confirm the said by-law number 400 and everything done thereunder; and whereas the said rate payers have also petitioned that the limits of the said incorporated village of Casselman be extended so as to comprise township lots numbers nine, ten, eleven and twelve in the sixth concession, and nine and ten in the seventh concession of the township of Cambridge, in the county of Russell, which said tract comprises the territory by the said by-law number 400 of the corporation of the united counties of Prescott and Russell, erected into the village of Casselman and other lands adjacent thereto; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law number 400 of the council of the municipal corporation of the united counties of Prescott and Russell, is hereby confirmed and declared to be a legal and valid by-law to all intents and purposes, and all acts, matters, or things done, or assumed to have been done under, or by virtue, or in consequence of the said by-law, are hereby declared to have been as validly and legally done as if the said by-law had been a valid and legal by-law when passed, as now confirmed.

By-law incorporating the village of Casselman confirmed.

2. On and after the 28th day of December, 1891, the said corporation of the village of Casselman shall consist of, and comprise township lots numbers nine, ten, eleven and twelve in the sixth concession, and lots numbers nine and ten in the seventh concession of the said township of Cambridge in the county of Russell.

Limits of village.

3. All by-laws and municipal regulations which shall, on the said 28th day of December, 1891, be in force in the village of

By-laws passed by council of



village to extend to limits defined by Act.

of Casselman, as defined by the said by-law number 400 of the council of the corporation of the united counties of Prescott and Russell, and confirmed by this Act, shall on, from, and after the said 28th day of December, extend to, and have full effect within the limits of the said village, as enlarged and defined in section 2 of this Act.

Assets and liabilities to be assumed by village as extended.

4. The property, assets, debts, liabilities, and obligations of the village of Casselman, as incorporated by the said by-law, by this Act confirmed, shall belong to, and shall be assumed and paid by the said village of Casselman, as extended by section 2 of this Act.

Officers of village continued.

5. All officers of the said village of Casselman, on the 28th day of December, 1891, shall continue to act, and have power as such, and as officers of, and within the village, as extended by section 2 of this Act.

Expenses of Act.

6. The expenses incurred to obtain this Act, shall be borne by the said village, and paid by it, to any party who may be entitled thereto.

Cost of pending litigation not affected.

7. Nothing in this Act contained, shall be held to affect the rights of the parties to the said litigation, as regards the costs thereof.

## CHAPTER 64.

### An Act to consolidate the debt of the Town of Clinton.

*[Assented to 4th May, 1891.]*

Preamble.

WHEREAS the corporation of the town of Clinton, in the county of Huron, have by their petition represented that they have incurred debts and liabilities for the purpose of giving railway bonuses, erecting and equipping a collegiate institute, providing fire protection, purchasing a site and erecting thereon a town hall, and building additions to the public school buildings, to the extent of \$45,500, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws; and whereas of the said indebtedness there remains unpaid the sum of \$29,500, and it has been made to appear that no funds have been provided by way of a sinking fund or otherwise for redeeming the said last mentioned sum; and whereas of the said remaining debenture debt of the said town of Clinton, the sum of \$6,500 becomes due and payable on the 1st day of December, 1891; the further sum of \$10,-

000 on the 7th day of December, 1892; the further sum of \$5,000 on the 1st day of July, 1896; the further sum of \$6,000 on the 18th day of June, 1898; and the further sum of \$2,000 on the 1st day of December, 1906; and whereas the said corporation by their petition have further represented that the payments to be made on account of the said debenture debt outstanding would be oppressive to the ratepayers; and whereas the said corporation by their petition have prayed that the said debenture debts may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debenture debts of the said town of Clinton Debts are hereby consolidated at the sum of \$29,500, and it shall be conso dated. are hereby consolidated at the sum of \$29,500, and it shall be lawful for the corporation of the said town of Clinton to pass a by-law or by-laws, providing for the issue of debentures under their corporate seal, signed by the mayor, and countersigned by the treasurer, for the time being, in such sums of not less than \$100, and not exceeding \$29,500 in the whole, as the said corporation may, Issue of debentures authorized. from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

2. The corporation of the said town may, for the purposes hereinafter mentioned, raise money by way of loan on the said debentures in this Province, or in Great Britain, or elsewhere, or sell and dispose of the said debentures, from time to time, as they may deem expedient. Power to borrow on debentures.

3. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the 1st days of June and December, or yearly, on the 1st day of the month of December in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. Payment of debentures and interest.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Clinton, and in Application of debentures.

no other manner, and for no other purpose whatsoever, and such debentures may be known as the "consolidated debt debentures."

Outstanding debentures may be called in.

5. The treasurer of the said corporation shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under this Act, or may, with the like instructions and consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Special rate.

7. For the payment of the said debentures to be issued under this Act, the council shall impose a special rate per annum, to be called the "consolidated loan rate" (over and above, and in addition to all other rates to be levied in each year), which shall be levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the said debentures when the same shall fall due, and said special rate shall, in each and every year during the continuance of said debentures, be inserted in a separate and distinct column on the collector's roll of said town, and shall not be included with any other rate or rates.

Investment of sinking fund.

8. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the said outstanding debentures of the said town, or in the debentures issued under the authority of this Act, or in government securities, municipal debentures, or in first mortgages on real estate, and being the first lien on such real estate, but not to any greater extent than one-half of the assessed value of such real estate or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or said corporation may deposit the said moneys in any chartered bank or banks of the Dominion of Canada that may be approved of by the council from time to time.

Treasurer to keep books showing state of debenture account.

9. It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of accounts setting forth a full and particular statement,



statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time be made of the said amounts, and the investments which shall, from time to time, be made of the sinking fund; and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

**10.** It shall not be necessary to obtain the assent of the electors of the said town of Clinton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*, or amendments thereto.

Assent of electors not required to by-laws.

Rev. Stat. 184.

**11.** The debentures issued under this Act may be in the form contained in the Schedule A to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest, and to form a sinking fund, may be in the form of Schedule B to this Act.

Form of debentures and by-laws.

**12.** No irregularity in form either of the debentures to be issued under this Act, or of the by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Irregularities in form not to invalidate debentures.

## SCHEDULE A.

(Section 11.)

PROVINCE OF ONTARIO, TOWN OF CLINTON.

CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of an "Act to consolidate the debt of the town of Clinton," passed in the <sup>60th</sup> year of Her Majesty's reign and chaptered \_\_\_\_\_, the corporation of the town of Clinton, in the county of Huron, promise to pay the bearer, at \_\_\_\_\_, the sum of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_ hundred and \_\_\_\_\_, and the half-yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Clinton, Ontario, this \_\_\_\_\_

day of \_\_\_\_\_

, A.D.  
SCHEDULE

## SCHEDULE B.

(Section 11.)

By-law No.            to authorize the issue of debentures under the authority of an Act to consolidate the debt of the town of Clinton, passed in the fifty-fourth year of Her Majesty's reign, and chaptered           , and to impose a special rate for the payment of the said debentures.

Whereas, the said Act authorizes the issue of debentures for the purpose therein mentioned to be known as "consolidated debt debentures," not exceeding the sum of \$29,500 in the whole, as the corporation of the town of Clinton may direct; and whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$           , payable on the            day of           , with interest thereon at the rate of            per cent. per annum, payable yearly or half yearly, as the case may be, according to the coupons to the said debentures attached; and whereas, the said Act requires for payment of the debentures to be issued thereunder, that the council shall impose a special rate per annum which shall be sufficient in each and every year (over and above, and in addition to all other rates to be levied in each year) to pay the said debentures as they respectively mature, together with the interest thereon, and it will require the sum of \$            to be raised annually for the said interest and principal; and whereas, the amount of the whole ratable property of the town of Clinton, according to the last revised assessment roll of the said town, being for the year one thousand *тысяча* hundred and            was           .

Therefore the municipal corporation of the town of Clinton enacts as follows:—

(1) Debentures under the said Act and for the purpose therein mentioned to be known as consolidated debt debentures to the extent of the sum of \$           , are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons thereto attached for the payment of the interest at the rate of            per cent. per annum payable half yearly on the first days of June and December in each year (or yearly on the first day of December in each year, as the case may be).

(3) And for the purpose of the payment of the said debentures, and the interest at the rate aforesaid, to become due thereon the sum of \$            over and above, and in addition to all other sums or rates, shall be raised, levied and collected in each year upon all ratable property in the said town of Clinton, during the continuance of the debentures, or any of them.

This by-law passed in open council this            day of           , in the year of our Lord one thousand            hundred and           .

## CHAPTER 65.

## An Act to authorize the Town of Collingwood to issue certain Debentures.

[Assented to 4th May, 1891.]

**W**HEREAS the corporation of the town of Collingwood, in the county of Simcoe, have by their petition represented that they have a debt of \$186,000, (exclusive of interest), incurred for permanent improvements within the said town and secured by the debentures of the said corporation, of which the sum of \$139,823 of principal matures due and payable in the years 1891 to 1911, both inclusive, with interest half-yearly at six per centum per annum; and whereas the said corporation have further represented that they have a debt payable on account of a certain bonus to the Hamilton and North-Western Railway, known as the "group bonus" amounting to about \$4,500, exclusive of interest, for which the annual payment during the next ensuing three years, for principal and interest, amounts to \$1,200 or thereabouts; and whereas the said corporation have represented that they will probably incur a further liability of about \$10,000 for harbour improvements within the said corporation, during the years 1891 and 1892, under a by-law in that behalf to be submitted to the ratepayers; and whereas the said corporation have further represented that none of this said debenture debt and interest is in arrear, but that the payments to be made on account thereof and of their said other debt and proposed liability during the ensuing years, would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of \$100,000 in the manner and according to the yearly amounts set forth in schedule "A" to this Act, for the purpose of raising funds to pay or replace and extend the time for payment of a certain portion of their said debentures, maturing in the years aforesaid; and have prayed that an Act may be passed accordingly; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of providing funds to meet and pay a part of the present debenture debt of the said town amounting to \$100,000, it shall be lawful for the said corporation from time to time to pass by-laws for raising, by way of loan, upon the credit of the said corporation in the manner and according to the yearly amounts set forth in schedule "A" to this Act, such sum or sums of money as may be necessary to pay off or replace and extend the time for payment of the debentures of the said corporation to the said amount of \$100,000, maturing in the years 1891 to 1911 inclusive, by debentures hereinafter mentioned

Power to raise  
by loan, \$100,000.



Proviso.

mentioned and authorized to be issued under this Act, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same; provided that the sums so to be borrowed under this Act shall not exceed the said sum of \$100,000, nor shall they in any year exceed the said sum mentioned in the second column of said schedule "A;" provided that it shall not be compulsory on the said corporation to issue the whole or any part of the said debentures, hereby authorized to be issued in any year and that in case the whole, or any part of the said debentures hereby authorized to be issued in any one year shall not be so issued, then the amount not issued shall lapse and shall not be issued in any subsequent year.

Payment of  
debentures  
and interest.

2. The said debentures shall be payable at the respective times and in the manner set forth in the third and fourth columns of said schedule "A," and not otherwise. Coupons shall be attached thereto, for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first days of the months of June and December in each and every year, at the places mentioned therein and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding six per centum per annum.

Special rate.

3. The said corporation shall levy in each year, in addition to all other rates to be levied in such year, a special rate sufficient to pay the amount falling due in such year for principal and interest in respect of the debentures authorised to be issued under this Act and maturing in such year, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application  
of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation, in the payment and redemption of outstanding debentures of said corporation to the amount of \$100,000 according to, and in the manner, and at the times, and for the respective amounts set forth in said schedule "A," and in no other manner and for no other purpose whatsoever.

Payment of  
outstanding  
debentures.

5. The treasurer of the said corporation, on receiving instructions from the said corporation so to do, shall pay off any outstanding debentures to the yearly amount authorized by said schedule "A," and discharge the same with the funds from time to time raised under this Act, or may substitute with the consent of the holders thereof for any outstanding debentures maturing yearly, according to the time and for the yearly amounts only specified in said schedule "A," the debentures or any of them authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures.

6. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realised from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

7. The debentures to be issued under this Act may be in the form of contained in the schedule "B," to this Act. Form of debentures.

8. The by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule "C," to this Act. Form of by-law.

9. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. Irregularities in form not to invalidate debentures.

10. It shall not be necessary to obtain the assent of the electors of the said town of Collingwood, for the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, or any Act amending the same. Assent of electors not required.

11. This Act may be cited as "*The Town of Collingwood Debenture Act, 1891.*" Short title.

SCHEDULE A.

(Section 1.)

Amount of debentures authorized to be issued under this Act with year of issue and date of payment.

Total issue.		Repayable December 1st,	
First Column.	Second Column.	Third Column.	Fourth Column.
Year.	Amount.	Year.	Amount.
1891.....	\$7000 00	{ 1912.....	\$3500 00
1892.....	4000 00	{ 1913.....	3500 00
1893.....	4000 00	1914.....	4000 00
1894.....	5000 00	1915.....	4000 00
1895.....	5000 00	1916.....	5000 00
1896.....	5000 00	1917.....	5000 00
1897.....	5000 00	1918.....	5000 00
		1919.....	5000 00
1898.....	6000 00	{ 1920.....	3000 00
1899.....	5000 00	{ 1921.....	3000 00
		1922.....	5000 00
1900.....	6000 00	{ 1923.....	3000 00
		{ 1924.....	3000 00
1901.....	6000 00	1925.....	6000 00
1902.....	5000 00	1926.....	5000 00
1903.....	5000 00	1927.....	5000 00
1904.....	5000 00	1928.....	5000 00
1905.....	5000 00	1929.....	5000 00
1906.....	5000 00	1930.....	5000 00
1907.....	5000 00	1931.....	5000 00
1908.....	5000 00	1932.....	5000 00
1909.....	2000 00	1933.....	2000 00
1910.....	2000 00	1934.....	2000 00
1911.....	3000 00	1935.....	3000 00
	<hr/>		<hr/>
	\$100,000.00		\$100,000.00

SCHEDULE B.

(Section 7.)

PROVINCE OF ONTARIO, TOWN OF COLLINGWOOD.

DEBENTURE.

Under and by virtue of *The Town of Collingwood Debenture Act, 1891* the corporation of the town of Collingwood, in the county of Simcoe promise to pay the bearer at the sum of  
on the day of one thousand  
hundred and and the half-yearly coupons for interest  
thereon hereto attached, as the same shall severally become due.

Dated at Collingwood, Ontario, this day of  
A.D., 18 .

SCHEDULE C.

(Section 8.)

By-law to authorize the issue of Debentures for  
the sum of under the  
authority of *The Town of Collingwood Debenture Act, 1891*.

Whereas the said Act authorizes the issue of Debentures for the purposes therein mentioned, not exceeding one hundred thousand dollars



dollar in the whole, as the corporation of the town of Collingwood, in the county of Simcoe, may in pursuance of, and conformity with the provisions of the said Act, direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \_\_\_\_\_

\_\_\_\_\_ dollars, payable on the \_\_\_\_\_ day of \_\_\_\_\_ with interest thereon at the rate of \_\_\_\_\_ per centum, per annum, payable half-yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said town of Collingwood, according to the last revised assessment roll of the said town, being for the year one thousand \_\_\_\_\_ hundred and \_\_\_\_\_ was \_\_\_\_\_

Therefore, the corporation of said town enacts as follows:—

(1) That debentures under the said Act, and for the purpose therein mentioned to the extent of the sum of \_\_\_\_\_ are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons thereto attached for the payment of interest at the rate of \_\_\_\_\_ per centum per annum, payable half-yearly on the first days of June and December in each year.

(3) (*Section as to levying rate.*)

This by-law passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand \_\_\_\_\_ hundred and \_\_\_\_\_

## CHAPTER 66.

### An Act to Consolidate the Debt of the Town of Cornwall.

[Assented to 4th May, 1891.]

**W**HEREAS the corporation of the town of Cornwall, in \_\_\_\_\_ Preamble.  
the county of Stormont, have by their petition represented that they have incurred debts and liabilities for bonuses to manufacturers, public school buildings, and for other public improvements to the extent of \$55,386, the particulars of which are shewn in schedule "C." hereto, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws, and are also indebted to the extent of \$27,614 for floating liabilities; and whereas the said corporation have further represented that the payments to be made on account of the said debenture debt outstanding and the said floating debt would be oppressive to the ratepayers; and whereas the said corporation, by their petition, have prayed that the said secured and unsecured debts may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said town of Cornwall are hereby consolidated at the sum of \$55,386, and it shall be lawful for the corporation of the said town of Cornwall to raise by way of \_\_\_\_\_ Debts consoli-  
dated.

of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate, the sum of \$83,000, to retire the said debentures amounting to \$55,386, as they respectively become due, and to pay off the said floating debt amounting to \$27,614.

Issue of  
debentures  
authorized.

2. It shall be lawful for the corporation of the town of Cornwall from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$83,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to bor-  
row on debentures.

3. The corporation of the said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain, or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of  
debentures  
and interest.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of June, in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Term of de-  
bentures.

5. A portion of the \$83,000 of debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the first day of June 1891, and so that the aggregate amounts payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years, of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate, sufficient to pay the amount falling due annually, for principal and interest, in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Application of  
debentures.

7. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the debt represented by the debentures of the town of Cornwall

wall to the amount of \$55,386, as shown in the said schedule "C." hereto, and in payment of the said debt of \$27,614, and for no other purposes whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time—but only with the consent of the holders thereof—call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act; or may, with a like consent, substitute therefor the said debentures or any of them, hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

Outstanding debentures may be called in.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

10. It shall not be necessary to obtain the assent of the electors of the said town of Cornwall to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors to by-laws not required.

Rev. Stat. c. 184.

11. It shall be the duty of the treasurer, from time to time of the said town of Cornwall, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued, under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Treasurer to keep books showing state of debenture account.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Cornwall from any indebtedness or liability which may not be included in the said debt of the said town of Cornwall.

Liability of corporation not affected.

13. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

Form of debentures.



Inconsistent provisions in municipal Acts not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are, or may be, inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law, or issue of debentures, or as to the application of the proceeds thereof.

Debentures for school purposes.

15. All debentures issued under and by virtue of the authority conferred by this Act for the purpose of paying off and retiring debentures which have been issued by the corporation of the town of Cornwall for public school purposes in the town of Cornwall, shall be provided for, retired and paid, by assessment on the property of the public school supporters in the town of Cornwall, and not otherwise, and all outstanding debentures for local improvements shall be provided for, retired and paid, in all respects as if this Act had not been passed.

Outstanding debentures for local improvements.

Short title.

16. This Act may be cited as "*The Cornwall Debenture Act, 1891.*"

## SCHEDULE A.

(Section 13.)

No.

\$

### CONSOLIDATED DEBT DEBENTURE.

*Province of Ontario, Town of Cornwall.*

Under and by virtue of *The Cornwall Debenture Act, 1891*, and by virtue of By-law No. of the corporation of the town of Cornwall, passed under the provisions contained in the said Act, the corporation of the town of Cornwall promise to pay to the bearer at , in the sum of \$ on the day of , one thousand hundred and and the yearly coupons attached, as the same shall severally become due.

Dated at Cornwall, in the county of Stormont, this day of , A.D.

Mayor,

Treasurer.

## SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the authority of *The Cornwall Debenture Act, 1891*.

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "*Consolidated Debt Debentures,*" not

not exceeding the sum of \$83,000 in the whole, as the corporation of the town of Cornwall may, in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ , payable on the day of and on the day of (or, as the case may be), with interest thereon at the rate of per cent. per annum, payable yearly, according to coupons of the said debentures attached; and whereas the amount of the whole ratable property of the said town of Cornwall, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and was \$

Therefore the municipal corporation of the town of Cornwall hereby enacts as follows:—

1. Debentures under the said Act, and for the purpose therein mentioned, and to be known as "Consolidated Debt Debentures," to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable yearly, on the first day of June in each year.

This by-law, passed in open council this day of , in the year of our Lord one thousand eight hundred and

### SCHEDULE C.

(Section 7.)

Stormont Cotton Company's debentures .....	\$4,500 00
Town Indebtedness—First Consolidation.....	5,000 00
Town Hall Debentures.....	1,400 00
Market Debentures, First Issue .....	800 00
Market Debentures, Second Issue.....	1,200 00
Public School Buildings Debentures \$25,000, less Sinking Fund \$5,040 .....	19,960 00
Canada Cotton Company Debentures.....	5,733 00
Town Indebtedness—Second Consolidation .....	17,393 00
	<hr/>
	\$55,886 00

## CHAPTER 67.

An Act to consolidate the Debt of the Town of Essex.

[Assented to 4th May, 1891.]

WHEREAS the corporation of the town of Essex, in the Preamble, county of Essex, have by their petition represented that they have incurred debts and liabilities for various purposes to the extent of of \$20,615, for which amount debentures have been issued under the authority of various by-laws, and are also indebted to the extent of \$6,885 for floating liabilities unsecured by debentures and unprovided for, and which could not be provided for without rendering the taxation unduly oppressive to the ratepayers; and whereas the said petition further sets forth that it is necessary for the protection of the property

property in the town against fire, and also for the preservation of the health of its inhabitants by securing a supply of pure water that a proper system of waterworks should be established; and whereas by-law number 165 of said town is now before the people and will be voted upon on the 14th day of May, to establish such a system of waterworks at a cost of \$26,500; and whereas the said corporation by their petition have prayed that the said secured and unsecured debts may be consolidated, and that they may be authorised to issue debentures for that purpose; and whereas owing to an omission to register, in proper time, a by-law for the issue of \$1,490 of local improvement debentures, although all other proceedings were regular, the said corporation has been unable to secure the confirmation of the said debentures by the statute in that behalf provided; and the said corporation have prayed that the by-law and the debentures issued thereunder may be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated.

1. The said debts of the town of Essex consisting of the aforesaid debenture debts of \$20,615, and the floating debt of \$6,885, are hereby consolidated at the sum of \$27,500, and it shall be lawful for the corporation of the said town of Essex to raise by way of loan on the credit of the debentures herein-after mentioned and by this Act authorised to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures amounting to \$20,615, as they respectively become due, and to pay off the floating debt amounting to \$6,885, not exceeding in the whole the sum of \$27,500, exclusive of interest thereon.

Issue of debentures authorised.

2. It shall be lawful for the said corporation of the town of Essex from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer for the time being in such sums not exceeding \$27,500 in the whole as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be payable either in this Province or Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient.

Power to borrow on debentures.

3. The corporation of the said town may for the purpose in section 7 hereof mentioned raise by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than thirty years from the issue thereof as the said corporation may direct



direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

5. A portion of the \$27,500 of debentures to be issued under this Act shall be made payable each year for a period not exceeding thirty years from the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Term of debentures.

6. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorised to be issued under this Act to be called the "consolidated debenture rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Essex to the amount of \$20,615, and in payment of the floating debt of \$6,885, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "consolidated debt debentures."

Application of debentures.

8. The treasurer of the said town shall on receiving instructions from the council so to do from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures, or any of them hereinbefore authorised to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Outstanding debentures may be called in.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not to be repealed till debt satisfied.

10. It shall not be necessary to obtain the assent of the electors of the said town of Essex to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors not required.

Rev. Stat. c. 184.

11. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council

Treasurer to keep books showing state of debenture debt.

cil to procure such treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realised from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Liability of  
corporation  
not affected.

**12.** Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Essex from any indebtedness or liability which may not be included in the said debt of the said town of Essex.

Form of  
debentures  
and by-law.

**13.** The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorising the same, may be in the form of schedule "B" to this Act.

Inconsistent  
provisions in  
municipal acts  
not to apply.

**14.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorised to be issued by this Act, or of the by-law or by-laws authorising the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

By-law No.  
153 confirmed.

**15.** By-law number 153 of the town of Essex (schedule "C" hereto) providing for the issue of local improvement debentures to the amount of \$1,490, passed the 28th day of April, 1890, and the debentures issued thereunder are hereby confirmed.

Short title.

**16.** This Act may be cited as "*The Town of Essex Debenture Act, 1891.*"

## SCHEDULE A.

(Section 13.)

No. ———.

## CONSOLIDATED DEBT DEBENTURE.

§ ———.

Under and by virtue of *The Town of Essex Debenture Act, 1891*, and by virtue of by-law No. \_\_\_\_\_ of the corporation of the town of Essex, passed under the provisions contained in the said Act, the corporation of the town of Essex promise to pay to the bearer at \_\_\_\_\_ in the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand \_\_\_\_\_ hundred and \_\_\_\_\_ and the yearly coupons attached, as the same shall severally become due.

Dated at the town of Essex in the county of Essex, this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

[L. S.]

A. B., Mayor.

C. D., Treasurer.

## SCHEDULE B.

(Section 13.)

By-law No. \_\_\_\_\_ to authorise the issue of debentures under the authority of *The Town of Essex Debenture Act, 1891*.

Whereas the said Act authorises the issue of debentures for the purposes therein mentioned to be known as "consolidated debt debentures," not exceeding the sum of \$27,500 in the whole, as the corporation of the town of Essex may, in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_ payable on the \_\_\_\_\_ day of \_\_\_\_\_, and on the \_\_\_\_\_ day of \_\_\_\_\_ (or, as the case may be), at \_\_\_\_\_, with interest thereon at the rate of \_\_\_\_\_ per cent. per annum, payable yearly according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said town of Essex, according to the last revised assessment roll of the said town, being for the year \_\_\_\_\_ was \$ \_\_\_\_\_

Therefore the municipal corporation of the town of Essex hereby enacts as follows:

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as "consolidated debt debentures," to the extent of the sum of \$ \_\_\_\_\_, are hereby authorised and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of \_\_\_\_\_ per cent. per annum, payable yearly on the first day of \_\_\_\_\_ in each year.

This by-law passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and \_\_\_\_\_



## SCHEDULE C.

*(Section 15.)*

## BY-LAW No. 153.

A by-law to raise the sum of \$1,490 for the purpose of paying for the construction of pine sidewalks on the north and south sides of Talbot street, in the town of Essex, and to authorize the issue of debentures therefor. Whereas it is necessary to borrow the sum of (\$1,490) one thousand four hundred and ninety dollars for the purpose of paying the cost of constructing a pine sidewalk in the town of Essex, on the north side of Talbot street from the lands of the Michigan Central Railway Company to Gordon avenue and on the south side of said Talbot street from lands of the said railway company to the easterly limit of the property of James Oliver on part of the north-west corner of lot number 281 south of the said Talbot street, to be paid for by local assessment by a frontage tax on the property to be benefited thereby, and by a special assessment on all the ratable real property in the said municipality for the payment of that portion of the cost of said work which is to be borne by the said municipality, and in order thereto it will be necessary to issue debentures of the municipality of the town of Essex, for the sum of (\$1,490) one thousand four hundred and ninety dollars, payable as herein provided.

And whereas temporary advances or loans for meeting the cost of the work have been made, and a special assessment is necessary for the payment thereof.

And whereas a by-law of the said municipality, numbered 138, was duly passed on the 28th day of October, 1889, when the said municipality was the village of Essex Centre, authorizing the said works, and providing that the expense of such proposed work, except the cost of such work at the intersection of streets, should be assessed and levied upon all the real property fronting on Talbot street, and comprised in the following limits, that is to say: Commencing at the east line of the Michigan Central Railroad on the north side of Talbot street, easterly four hundred and fifty feet, more or less, to the corner of Gordon avenue, and on the south side of said Talbot street, commencing at the east line of the aforesaid Michigan Central Railroad, on the aforesaid Talbot street, easterly three thousand two hundred and seventy-three feet, more or less, so the easterly limit of the aforesaid J. Oliver's residence, on the aforesaid part north-west corner of the north one-half of lot 281, south side of Talbot street, in the aforesaid town of Essex; and that a special assessment for the cost thereof should be made on the said real property after the said work should be completed.

And whereas it is provided by the said by-law, No. 138, that the cost of that portion of the work constructed at the intersection of said Talbot road with the different streets running across the same shall be borne by the said municipality, and that a special rate thereof should be assessed and levied upon all the ratable real property in the said municipality.

And whereas under the said by-law the said work has been made as aforesaid.

And whereas a by-law of the said municipality numbered 137 was duly passed on the 19th day of October, 1889, authorizing the borrowing of certain sums of money as temporary loans or advances to meet the cost of the said work during the course of its construction.

And whereas it will be requisite to raise the several sums in each year respectively as set forth in schedule "A" to this by-law.

And whereas the whole of the real property fronting on Talbot street hereinbefore described ratable under this by-law is of the value of seventy thousand dollars, according to the last revised assessment roll.

And whereas the whole of the real property in the said municipality ratable for the proportion of the cost of the said work to be borne by the said

said municipality as aforesaid is of the value of four hundred and forty-one thousand dollars according to the last revised assessment roll.

And whereas the debt created hereunder is created on the security of the special rate settled by this by-law and further guaranteed by the said municipality at large.

And whereas the said by-law, number 128, was properly promulgated and a court of revision was duly held in pursuance thereof according to the statute in that behalf.

And whereas the said by-law, number 138, was passed by the corporation of the village of Essex Centre which has since been erected into the corporation of the town of Essex and it is deemed necessary that the said corporation of the town of Essex pass this by-law in order that the debentures may be properly issued for the borrowing of money on the credit of the said town of Essex for the repayment of the temporary advances and loans aforesaid.

Therefore, the municipal council of the corporation of the town of Essex enacts as follows :—

I. It shall be lawful for the mayor of the said town of Essex for the purposes aforesaid to borrow on the security of the special rate herein-after mentioned, and further guaranteed by the said municipality at large the sum of one thousand four hundred and ninety dollars, and to issue debentures of the said municipality to the amount of one thousand four hundred and ninety dollars in sums of not less than one hundred dollars each, (\$100) each, payable in the manner for the amounts and at the times set forth in the schedule "A" to this by-law.

II. The said debentures as to principal and interest shall be payable at the Imperial Bank of Canada at the said town of Essex.

III. It shall be lawful for the mayor of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality. And the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

IV. There shall be raised and levied in each year by a special rate on all the property fronting on that part of Talbot street hereinbefore described ratable under this by-law per foot frontage and also on all the ratable property in the said municipality hereinbefore recited a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same become respectively payable according to the said schedule "A" to this by-law.

V. The owner of any such real property may, during the currency of the said debentures, commute for the payment of his proportionate share of the said work by paying such sum as may be necessary to realize at the end of the currency of the said debentures a sum equivalent to the annual special rate then uncollected.

All provisions contained in said by-law, No. 138, which are inconsistent with this by-law, are hereby repealed.

This by-law shall come into operation and take effect on the first day of May, A.D. 1890.

Read a first, second and third times and finally passed this 28th day of April, A. D. 1890.

A. E. LOVEFACE,  
*Town Clerk.*

(Signed) JOHN MILNE,  
*Mayor.*

[Seal.]

## SCHEDULE A.

Amount of debentures authorized to be issued under this by-law with date of payment.

Issued.	Amount of Debenture.	When Payable.
1890.		
May 1st.	\$118 .....	May 1st, 1891.
"	125 .....	" 1892.
"	129 .....	" 1893.
"	137 .....	" 1894.
"	144 .....	" 1895.
"	151 .....	" 1896.
"	159 .....	" 1897.
"	166 .....	" 1898.
"	175 .....	" 1899.
"	186 .....	" 1900.
	<hr/> \$1,490 .....	

## CHAPTER 68.

# An Act respecting the debenture debt of the Town of Gananoque.

[Assented to 4th May, 1891.]

## Preamble.

WHEREAS the corporation of the town of Gananoque (formerly the village of Gananoque), under their by-law number 59, passed on the 1st day of July, 1871, incurred a debenture debt of \$10,000 in aid of the Gananoque and Rideau Railway Company, maturing on the 1st day of July, 1891; and whereas the said corporation, under their by-law number 89, passed on the 24th day of August, 1874, incurred a debenture debt of \$4,000 for the construction of a road within the said municipality, which matured on the 24th day of August, 1884; and whereas the said corporation, under their by-law number 146, passed on the 29th day of June, 1880, and taking effect on the 1st day of July, 1880, incurred a debenture debt of \$5,500 for school purposes, maturing on the 1st day of July, 1895; and whereas no proper or sufficient sinking funds were provided for redeeming the said debentures, but a sum of \$3,574 or thereabouts has been raised by way of sinking fund with respect to the said debenture debts, and is now in the hands of the said corporation, but it cannot be ascertained what proportions are applicable respectively to the several debenture debts so incurred as aforesaid, and the same is, and, together with such further sums as may be raised for the purposes of sinking funds, will be wholly inadequate to redeem the said debentures; and whereas since the maturity of the debenture



debenture debt of \$4,000 incurred under the said by-law number 89, the said corporation has, out of the general funds of the municipality, redeemed all of the same save and except the sum of \$2,500; and whereas it is desirable to make provision for the redemption of the residue of the said debenture debts, and the said corporation has by its petition prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the town of Gananoque shall, out of the said sum of \$3,574 or thereabouts, being the amount raised for sinking funds as aforesaid, forthwith pay off the residue of the debenture debt incurred under the said by-law number 89.

Application of amount raised for sinking funds.

2. For the purpose of redeeming the said debenture debt of \$10,000 incurred under the said by-law number 59, and maturing on the first day of July, 1891, the said corporation shall apply the further sum of \$1,000 of the said sinking fund towards payment of the said debenture debt and may pass a by-law authorizing the issue of debentures of the said town for a sum not exceeding the sum of \$9,000.

Issue of debentures to amount of \$9,000 authorized.

3. The said corporation may either raise money on the credit of the said debentures when issued, and apply the money so raised in payment of the balance of the said debenture debt maturing on the first day of July, 1891, at the maturity thereof, or with the consent of the holders of the debentures issued under the said by-law number 59, but not otherwise, may redeem the same at maturity by substituting therefor the debentures hereinbefore authorized to be issued upon such terms as may be agreed upon; but the said debentures hereby authorized to be issued, and the proceeds thereof, shall not be used or applied in any other manner or for any other purpose than for the purpose of redeeming or paying the balance of the said debenture debt maturing on the first day of July, 1891.

Application of debentures.

4. For the purpose of redeeming the said debenture debt of \$5,500 incurred under the said by-law number 146, the said corporation may pass a by-law in the year 1895, authorizing the issue of debentures of the said town for a sum which, together with the amounts to be raised for sinking fund in each year under the said by-law number 146, and the accumulation of interest on all such sums, shall be sufficient to redeem the said debenture debt of \$5,500 at maturity.

Issue of debentures to redeem those issued under by-law 146.

5. The said corporation may either raise money on the credit of the said debentures to be issued under the authority of section 4 of this Act, and apply the same together with the said sinking fund therein also mentioned in payment of the said

Power to raise money on debentures.

said debenture debt maturing on the first day of July, 1895, at the maturity thereof, or may apply the said sinking fund in part payment thereof, and with the consent of the holders of the remainder of the debentures, but not otherwise, may redeem the said remainder thereof by substituting therefor the debentures to be issued for the purpose of redeeming the same, upon such terms as may be agreed upon; but the said sinking fund, and the said debentures to be issued, and the proceeds thereof, shall not be used or applied in any other manner or for any other purpose than for the purpose of redeeming or paying the said debenture debt maturing on the first day of July, 1895.

Power to call  
in outstand-  
ing debentures

6. If the holders of the debentures issued under the said by-law number 146, consent that they may be redeemed before the maturity thereof, but not otherwise, the said corporation may pass the by-law authorized to be passed by section 4 of this Act at any time before the year 1895, and may issue the debentures authorized thereby to the requisite amount, and with the said consent, but not otherwise, may raise money on the credit thereof, and with the money so raised may before maturity thereof pay off the said debenture debt, or may partly pay the same off and redeem the residue by substituting therefor the debentures hereby authorized to be issued upon such terms as may be agreed upon; and in such case the corporation shall repeal the said by-law number 146 as to the special rate to be levied thereunder.

Assent of electors not required.

Irregularities in form not to invalidate debentures.

Rev. Stat., c. 184.

7. Every by-law passed under the authority of this Act shall be according to the form and effect provided by *The Municipal Act*, but it shall not be necessary in any case to submit the same to the electors or to obtain their assent thereto; and no irregularity in the form thereof, or the formalities attending the passing of the same, or in the debentures to be issued thereunder, shall render the by-laws or debentures invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the said debenture debt so to be incurred and the interest thereon; and after the passing of the said by-laws they shall be subject to the provisions of *The Municipal Act* respecting by-laws for the incurring of debenture debts.

Payment of debentures and interest.

8. The debentures to be issued under the authority of this Act shall be payable at such place as the council may determine, and shall mature on a date or dates not more than twenty years from the date or dates thereof, and the interest thereon shall not exceed six per centum per annum, and may be made payable yearly or half yearly as the council may determine.

Special rate.

9. For the payment of the debentures to be issued under the authority of this Act, the council shall impose a special rate

rate in each year (over and above all other rates to be levied in each year) which shall be sufficient to pay the interest on the said debentures and form a sinking fund for the purpose of paying the principal thereof.

10. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the investments which shall from time to time be made of the sinking fund, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Treasurer to keep proper books of accounts.

## CHAPTER 69.

### An Act respecting By-law Number 128 of the Town of Gravenhurst.

*[Assented to 4th May, 1891.]*

WHEREAS the corporation of the town of Gravenhurst, on the 9th day of January, 1891, passed by-law number 128 for the raising of \$2,500 on the debentures of the said town, for paying off old debentures to the amount of \$1,500, and \$1,000 floating debt of the said town; and whereas the said by-law was duly advertised before the passing thereof and received the assent of the duly qualified electors of the said town; and whereas the corporation of the town of Gravenhurst has by petition prayed that the said by-law and the debentures issued thereunder may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



By-law No.  
128 confirmed.

1. By-law numbered 128 of the town of Gravenhurst, passed on the 9th day of January, 1891, and which said by-law is set out in the schedule to this Act is hereby confirmed and declared to be legal and valid; and the debentures issued thereunder are hereby declared to be legal and binding on the said town of Gravenhurst and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

## SCHEDULE.

(Section 1.)

### MUNICIPALITY OF GRAVENHURST.

*By-law No. 128.*

For the purpose of raising by way of loan on debentures the sum of \$2,500 for the payment of \$1,500 of debentures accruing due for old fire engine and \$1,000 of floating debt of this municipality.

Whereas there is now falling due the sum of \$1,500 on debentures issued for the old fire engine, for which no sinking fund has been provided; and whereas there has been for some time past a floating debt of this municipality, amounting to \$1,000 or thereabouts, which it is desirable to have placed in debentures; and whereas it is expedient to raise the sum of \$2,500 as a loan on debentures to be issued by this municipality to provide payment for the above recited debts, said debentures to be repayable in ten annual instalments, with interest at 6 per cent., payable annually; and whereas it will require the sum of \$339.75 to be raised in each year during the currency of the debt created by this by-law for the payment of the several instalments of principal and interest accruing due on such debt as the same become respectively payable; and whereas the amount of the whole ratable property of this said municipality of Gravenhurst, according to the last revised assessment roll being for the year 1890, was the sum of \$245,130; and whereas the amount of the existing debenture debt of the said municipality is the sum of \$14,455, no part of which for principal or interest is in arrears.

Therefore the municipal council of the corporation of the town of Gravenhurst enacts as follows:—

That it shall and may be lawful for the mayor of the said municipality and he is hereby required to issue debentures of the said municipal corporation to the amount of \$2,500, which debentures shall be sealed with the corporate seal of the said municipality and signed by the mayor and countersigned by the treasurer of the said municipality and the proceeds of the said debentures shall be applied to the payment of the debts hereinbefore mentioned.

That the said debentures shall bear interest at 6 per cent. per annum on such portion of it as from year to year remains unpaid and the said debentures shall have attached thereto coupons for the payment (annually on the 1st day of February in each of the ten years during the currency of the debt created by this by-law) of said interest and such portion of the principal that the aggregate sum payable annually shall be alike in each of the ten years, and said debentures and coupons shall be made payable at the Dominion Bank

in

in the town of Orillia, and the several amounts of principal and interest payable in each of the ten years, shall be as follows:—

	Principal.	Interest.	Total.
1892.....	\$189.75	\$150.00	\$339 75
1893.....	201.125	138.625	339 75
1894.....	213.200	126.550	339 75
1895.....	226.000	113.750	339 75
1896.....	239.550	100.200	339 75
1897.....	253.925	85.825	339 75
1898.....	269.175	70.575	339 75
1899.....	285.325	54.425	339 75
1900.....	302.425	37.325	339 75
1901.....	319.525	20.225	339 75

That the sum of \$339.75 shall be levied and raised in each year during the currency of the debt created by this by-law by a special rate sufficient therefor on the whole ratable property of the said municipality for the payment of the several instalments of principal and interest accruing due as the same become payable; and it is further enacted by the said municipal corporation that the votes of the electors duly qualified, of the said town of Gravenhurst, shall be taken on this by-law on the 5th day of January, A.D. 1891, commencing at 9 o'clock in the forenoon and closing at 5 o'clock in the afternoon, at the following polling places:—for the South Ward, at the town hall, by the clerk, deputy returning officer; for the North Ward, at the high school, by John Wilkinson, deputy returning officer; for the West Ward, at the W. W. school house, by Wm. Jarvis, deputy returning officer.

That the clerk of the said municipality shall attend at the town hall of the said town of Gravenhurst, on the 6th day of January, 1891, at 12 o'clock noon, to sum up the votes given for and against the by-law.

That the mayor shall, on the 29th day of December, 1890, at 12 o'clock noon, at the town hall, in the said town of Gravenhurst, appoint in writing one person to attend at each polling place and two persons to attend at the summing up of the votes by the clerk on behalf of the persons interested in promoting the passing of the said by-law and at the same time shall appoint a like number of persons on behalf of the persons interested in and desirous of opposing the passing of the said by-law.

That this by-law shall take effect from and after the 13th day of January, 1891.

That this by-law shall be published in the *Gravenhurst Banner*, a newspaper published in the town of Gravenhurst.

Passed this 9th day of January, 1891.

[L.S.] (Sgd) THOMAS JOHNSON,  
Clerk.  
(Sgd) J. J. McNEIL,  
Mayor.

## CHAPTER 70.

An Act to enable the Corporation of the City of Hamilton to issue certain debentures, and for other purposes.

*[Assented to 4th May, 1891.]*

## Preamble.

WHEREAS the corporation of the city of Hamilton have, by their petition, represented that the said corporation have incurred debts to the amount of about \$256,000 for the completion of certain public works and permanent improvements, for which sufficient funds have not been provided, such works and improvements consisting chiefly of the city hospital, city hall, market house, waterworks extension and sewer ; and whereas said debts have been incurred by borrowing, money from certain chartered banks from time to time in the current bank accounts kept with them by said corporation, and the corporation are desirous of consolidating the floating debts so incurred, and of issuing debentures for that purpose, and paying off such debts with the funds to be obtained therefor ; and whereas it has been made to appear that in connection with the existing debenture debt of the said corporation sinking funds have been regularly raised and properly applied ; and whereas negotiations have taken place between the said city of Hamilton and the South Ontario Pacific Railway Company, and the Canadian Pacific Railway Company, and other railway companies with a view to additional railway connections with and running through the said city, and in certain of said negotiations it has been stipulated on behalf of the railway companies that any aid to be granted by the said city must be by providing a right of way through the city and not by a bonus in money, and in order to enable them to grant such aid, and also to prevent the crossing of the city streets by several lines at different points by any new railways passing through the city, the said corporation are desirous of obtaining power to acquire lands in the city of Hamilton by purchase or expropriation, for right of way through the said city for railway purposes ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to issue  
debentures for  
\$256,000.

1. The said corporation of the city of Hamilton are hereby authorized and empowered to pass a by-law or by-laws providing for the issue by the said corporation of debentures under its corporate seal, to raise the sum of \$256,000, or such less sum or sums as may be sufficient to pay off the floating debts of the said corporation to the banks from which it has borrowed the moneys constituting such floating debts.



2. The principal sum secured by the said debentures and the interest thereon may be made payable either in this Province, or in Great Britain, or elsewhere, and the interest thereon, at a rate not exceeding six per cent. per annum, shall be payable half-yearly, according to the coupons attached thereto.

Where debentures may be made payable.

3. The said debentures or any of them may be made payable at such a time or times not exceeding thirty years from the passing of the by-law or by-laws authorizing the issue thereof respectively, as the said by-law or by-laws shall direct.

Time for payment of debentures.

4. The said corporation may raise money by the sale or by hypothecation of the said debentures from time to time as they may deem expedient, but the moneys derived from such sale or hypothecation, shall be applied in or towards payment of the floating debts hereinbefore mentioned, and not otherwise.

Power to raise money on debentures.

5. For payment of the principal money of any of the debentures issued under this Act and the interest thereon the council shall levy such annual sum over and above all other rates to be levied in each year, as shall be sufficient to pay the interest and also to form a sinking fund which, compounded half-yearly at four per cent., will be sufficient to pay such principal money, and such sinking fund shall be invested and dealt with in the manner provided by section 375 of *The Municipal Act*.

Rates for payment of debentures and interest.

Rev. Stat. c. 184.

6. No irregularity in the form either of the said debentures or of the by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Irregularities in form not to invalidate debentures.

7. The said corporation shall have power, within three years from the passing of this Act, to acquire by purchase or expropriation, lands in the city of Hamilton, for railway purposes in the same manner and to the same extent as the same could be acquired by any railway company incorporated by Act of the Legislature of Ontario, and may exercise for the purpose of acquiring or expropriating said lands all the powers conferred by *The Railway Act of Ontario* upon the railway companies to which said Act applies.

Power to acquire right of way for railway purposes.

Rev. Stat. c. 170.

8. The powers contained in the last preceding section shall be exercised only, under, and in pursuance of a by-law or by-laws of the council of the said city, to be approved of by a vote of such majority of the ratepayers entitled to vote

Powers to be exercised by by-law assented to by electors.

Rev. Stat. c.  
184.

vote thereon, as is required for by-laws for granting bonuses in aid of railways by section 320 of *The Municipal Act*, and any such by-law or by-laws shall specify the amount of the debt or debts to be created for the purchase of such right of way, and shall provide for the payment of such debt or debts in the manner and within the period authorized or required by *The Municipal Act*.

Lands so acquired may be sold or leased to railway company.

9. The lands which may be acquired by the said corporation under any of the powers in this Act contained may be granted, conveyed or leased to any railway company or companies in such manner, and upon, and subject to such terms and conditions as may be provided by any by-law or by-laws of the council of the said city, or may be otherwise dealt with, used or disposed of, as provided in any such by-law or by-laws.

## CHAPTER 71.

### An Act to Consolidate the Debt of the Town of Lindsay.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS the corporation of the town of Lindsay have by their petition represented that they have incurred debts and liabilities for the purpose of paying the municipal loan fund indebtedness, railway bonuses, waterworks and other public improvements to the extent of \$141,740 for which amount debentures have from time to time been issued, and that no funds have been provided by way of sinking fund or otherwise for redeeming the same or any portion thereof, save and except the annual interest thereof; and whereas the said corporation have incurred a floating debt of the sum of \$10,260 in addition to the ordinary expenses of the corporation for payment of which no fund has been provided; and whereas the said corporation have incurred further debts and liabilities for school purposes as follows:—\$29,300 for building a collegiate institute and \$9,800 for public school purposes; and whereas the said corporation have represented that the payments to be made on account of the said debenture debts and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that the said debenture debt of \$141,740 and the said floating debt of \$10,260 may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said town of Lindsay are hereby consolidated at the sum of \$152,000, and it shall be lawful for the corporation of the said town of Lindsay to raise by way of loan, on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures, amounting to \$141,740, as they respectively become due, and to pay off the other debts, amounting to \$10,260, not exceeding in the whole the said sum of \$152,000, exclusive of interest thereon.

Debts consolidated at \$152,000.

2. It shall be lawful for the said corporation of the town of Lindsay, from time to time, to pass a by-law or by-laws, providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer, for the time being in such sums of not less than \$100, and not exceeding \$152,000 in the whole, as the said corporation may, from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Issue of debentures authorized

3. The corporation of said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures, from time to time, as they may deem expedient.

Power to raise money on debentures.

4. The said debentures shall be payable in not more than thirty-five years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four and a half per cent. per annum.

Term of debentures.

5. A portion of the said debentures to be issued under this Act, shall be made payable in each year for a period not exceeding thirty-five years from the first day of December, 1891, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Payment of debentures and interest.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this

Special rate.

Act,



Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application of  
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Lindsay to the amount of \$141,740, and in payment of the said debt of \$10,260 and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Power to call  
in outstanding  
debentures.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-law not to  
be repealed  
until debt  
paid.

9. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Assent of  
electors to  
by-laws not  
required.  
Rev. Stat. c.  
184.

10. It shall not be necessary to obtain the assent of the electors of the said town of Lindsay to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Treasurer to  
keep book  
showing state  
of debenture  
account.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Lindsay from any indebtedness or liability which may not be included in the said debt of the said town of Lindsay. Liability of corporation not affected.

13. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act. Form of debentures and by-law.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or any of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof. Inconsistent enactments not to apply.  
Irregularity in form not to invalidate debentures.

15. This Act may be cited as "*The Lindsay Debenture Act* Short title. 1891."

## SCHEDULE A

(Section 13.)

No.

\$

PROVINCE OF ONTARIO, TOWN OF LINDSAY.

*Consolidated Debt Debenture.*

Under and by virtue of *The Lindsay Debenture Act, 1891*, and by virtue of By-law No. \_\_\_\_\_ of the corporation of the town of Lindsay, the corporation of the town of Lindsay promise to pay the bearer at \_\_\_\_\_ in \_\_\_\_\_ the sum of \_\_\_\_\_ on the first day of December, one thousand \_\_\_\_\_ hundred and \_\_\_\_\_ and the yearly coupons hereto attached as the same shall severally become due.

Dated at Lindsay this \_\_\_\_\_

day of \_\_\_\_\_

A.D. \_\_\_\_\_

Mayor.

Treasurer.

## SCHEDULE

## SCHEDULE B.

(Section 13.)

BY-LAW NO.      TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE  
AUTHORITY OF THE LINDSAY DEBENTURE ACT, 1891.

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "consolidated debt debentures," not exceeding the sum of \$152,000 in the whole, as the corporation of the town of Lindsay may, in pursuance of and in conformity with the provisions of the said Act, direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$      payable on the      day of      and on the      day of      , (or as the case may be), with interest thereon at the rate of      per cent: per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said town of Lindsay, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and      , was \$      ;

Therefore the municipal council of the corporation of the town of Lindsay enacts as follows:—

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "consolidated debt debentures," to the extent of the sum of \$      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of      per cent. per annum payable yearly, on the first day of December in each year.

This by-law passed in open council this      day of      , in the year of our Lord one thousand eight hundred and

## CHAPTER 72.

An Act to provide for the consolidation of the Debenture Debt of the City of London, and for other purposes.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS the municipal council of the corporation of the city of London has by its petition represented that its debenture debt, exclusive of local improvement debentures, amounts to the sum of \$2,030,023.47, maturing as follows:—

1891.....	\$147,500 00
1892.....	70,000 00
1893.....	672,634 99
1894.....	134,866 66
1895.....	6,000 00
1896.....	219,486 66
1897.....	2,000 00
1898.....	325,035 16
1901.....	2,000 00
1902.....	43,500 00
1903.....	7,000 00
1910.....	110,000 00
1913.....	175,000 00
1917.....	115,000 00

\$2,030,023 47      And



And whereas it has been made to appear that the said indebtedness was incurred mainly in providing a system of waterworks for the said city of London, in erecting and extending the high and public schools of the said city, in investing in railway debentures and other securities now held by the said corporation, and in improving by public works and buildings the said city, in order to keep pace with the growth and progress thereof, and that it is expedient that the said corporation shall be enabled to consolidate its said indebtedness and to effect a loan to pay off the same, at a lower rate of interest and payable at longer dates than apply to the existing debt; and whereas it has also been made to appear that \$596,823.19 have been expended by the said corporation on capital account in the construction and extension of the said waterworks system which produces a revenue to the said city more than sufficient to pay off the debentures which will be required to be issued to retire outstanding debentures to the amount of \$534,628.94 issued on account of the said waterworks and which said outstanding debentures form part of the said debenture debt; and whereas the said municipal council has by its said petition prayed for the passing of an Act for the purposes aforesaid, and that new provisions be made as to the limit of the borrowing power of the said corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the city of London may borrow for the purpose of paying its said indebtedness and consolidating its debt a sum not exceeding \$2,000,000, and may issue debentures therefor.

Power to borrow \$2,000,000 on debentures.

2. The proceeds of such loan shall be applied for the purpose of the redemption and payment of the debentures mentioned in the preamble of this Act, and the said corporation may make such arrangements with the holders thereof or any of them for paying off the same at maturity or in advance of the respective times fixed for payment thereof, on such terms and conditions as may be agreed on.

Application of proceeds of loan.

3. The said corporation may also buy in the said debentures or may agree with the holders of them or any of them whether the time fixed for payment of them shall have arrived or not for the substitution for them or any of them of debentures to be issued under the authority of this Act at such price and on such terms and conditions as may be deemed best.

Substitution of debentures issued under Act for outstanding debentures.

4. All charges and expenses of and incidental to the payment or redemption of the debentures mentioned in the preamble to this Act may be paid out of the proceeds of the said loan.

Payment of expenses of redeeming existing debentures.

Payment of  
debentures.

5. The debentures to be issued under the authority of this Act shall be known as "City of London General Consolidated Loan Debentures," and may be made payable in Canada or Great Britain, the United States of America or elsewhere, and in any currency and shall be in sums of not less than \$100 Canadian currency or £20 sterling money of Great Britain.

Term of de-  
bentures.

6. The said debentures shall be made payable within forty years from the 1st day of July next.

Payment of  
interest.

7. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding four per centum. per annum as to the said corporation may seem meet, and the interest may be made payable yearly or half yearly.

Amount to be  
levied  
annually.

8. The said municipal council shall levy in each year during the said period of forty years the sum of \$101,047 for the payment of the debt created by the issue of the said debentures and the interest thereon instead of the sums which would require to be raised for those purposes under the provisions of *The Municipal Act*, and so much of the said sum as shall not be required to pay the annual interest on the said debentures shall, subject to the provisions of section 10 of this Act, form the sinking fund for the redemption thereof.

Rev. Stat. c.  
184.

Application of  
sinking fund.

9. The said corporation may from time to time apply any part of the sinking fund which shall have been raised for the payment of the whole issue of the said debentures by this Act authorized to be issued under the foregoing provisions thereof and the income arising from the investment thereof, and any sum, for the time being, at the credit thereof in paying off the principal of any of the said debentures which shall become payable before the expiration of the said period of forty years, when and as the same shall become payable.

Rates  
required by  
former  
by-laws need  
not be levied.

10. It shall not be necessary for the said corporation to raise or levy hereafter the rates or sums imposed or required to be levied by the by-laws under the authority of which the said outstanding debentures, or any of them, were issued, and any sum required to pay the annual interest on the said outstanding debentures, may to the extent of \$80,000 per annum be paid out of the said sum of \$101,047 and so much of such annual interest as the said sum of \$80,000 shall be insufficient to pay, may be paid out of the proceeds of the said loan.

Payment of  
certain sums  
out of proceeds  
of new loan.

11. The said corporation may instead of raising under the authority conferred by the Act passed in the 53rd year of Her Majesty's reign, intituled *An Act respecting the City of London*, the residue of the sum of \$130,000, mentioned in section 17 of the said Act, which has not already

already been raised, provide the same out of the proceeds of the loan by this Act authorized to be effected for the payment and consolidation of its said outstanding indebtedness.

**12.** It shall not be necessary that any by-law, which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval of or receive the assent of the ratepayers of the said city of London, in accordance with the provisions of *The Municipal Act*, and it shall be sufficient if any such by-law be in the form in the schedule "A" to this Act set forth, notwithstanding the provisions of the said Act.

Assent of  
electors not  
required.

Rev. Stat. c.  
184.

**13.** The sinking fund held by the said corporation for the redemption of the debentures in the preamble of this Act mentioned may be used and applied in paying off, under the provisions of this Act, any of the said debentures, and not otherwise and the securities in which the said sinking fund may be invested may be sold and converted into money in order that it may be so used and applied.

Application of  
present sink-  
ing fund.

**14.** No irregularity in the form of the debentures issued under the authority of this Act, or any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof or the interest thereon or any part thereof.

Irregularities  
in form not to  
invalidate  
debentures.

**15.** The purchaser of any of the debentures which shall be issued under the authority of this Act shall not be bound to see to the application of his purchase money, and any of the said debentures, which shall purport to have been issued under the authority of this Act, shall be conclusively presumed in favour of the purchaser thereof to have been so issued.

Purchaser of  
debentures  
not bound to  
see to applica-  
tion of  
proceeds.

**16.** Nothing in this Act contained shall be construed as giving to the said corporation any authority to pay off or redeem any of the debentures in the preamble to this Act mentioned, before the maturity thereof, without the consent of the holder thereof.

Outstanding  
debentures  
not redeem-  
able before  
maturing.

**17.** The said corporation may, if it shall deem it expedient so to do, from time to time borrow on the security of the debentures by the foregoing provisions of this Act authorized to be issued, such sums as it may require for the purpose of paying off or redeeming the debentures in the preamble to this Act mentioned or any of them, and may hypothecate or pledge the said debentures, or any of them, as security for the moneys so borrowed, when and with such rate of interest as to the said corporation shall seem meet.

Payment of  
outstanding  
debentures.



35 V.c. 75 s. 7  
repealed.

**18.** Section 7 of the Act, passed in the 35th year of Her Majesty's reign, intituled *An Act respecting the debt of the City of London*, is repealed.

Borrowing  
powers of cor-  
poration.

**19.** The limit of the borrowing power of the said corporation shall, notwithstanding the provisions of any Act or law to the contrary, be twelve and one-half per centum of the assessed value of the whole ratable property of the said city of London as shewn by the last revised assessment roll for the time being of the said city.

Mode of com-  
puting in-  
debtedness of  
corporation.

**20.** In calculating the amount of the indebtedness of the said corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by the next preceding section, has been reached, the amount of its indebtedness for water-works purposes being the sum of \$534,628.94, as heretofore mentioned, and any liability in respect of local improvement debentures, issued by the said corporation, shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

Aid to rail-  
ways.

**21.** The corporation may, subject to the provisions of this Act, pass a by-law for granting a bonus to any railway company for the establishment, erection and maintenance within the said city, of car or other shops of such railway company or in connection with its business, and such bonus shall be deemed a bonus to a railway company within the meaning of section 634 of *The Municipal Act*, and the provisions of such Act shall apply to such by-law.

Rev. Stat. c.  
184.

Short title.

**22.** This Act may be known and cited as "*The City of London Debt Consolidation Act, 1891.*"

## SCHEDULE. A.

(Section 12.)

### FORM OF BY-LAW.

BY-LAW TO AUTHORIZE THE ISSUE OF \$ DEBENTURES UNDER THE  
AUTHORITY OF "THE CITY OF LONDON DEBT CONSOLIDATION ACT,  
1891," AND TO IMPOSE RATES FOR THE PAYMENT THEREOF.

Whereas it is necessary to raise a loan of \$ for the purpose of paying off and redeeming the outstanding debentures of the corporation of the City of London, under the provisions of *The City of London Debt Consolidation Act, 1891.*

Be

Be it therefore enacted by the municipal council of the corporation of the City of London :—

1. The mayor and treasurer are hereby authorized and directed to borrow, on the credit of the said corporation, under the authority of the said Act, and for the purposes hereinbefore mentioned, the sum of \$ \_\_\_\_\_, and to issue the debentures of the said corporation for such purpose to the amount aforesaid.

2. The said debentures shall be payable in manner following, that is to say \_\_\_\_\_ and at (*place of payment*).

3. The said debentures shall bear interest at the rate of \_\_\_\_\_ per centum per annum, payable half yearly on the 1st days of January and July in each year during the currency thereof, and shall have coupons attached for the payment of the interest.

4. The said debentures shall be drawn in sums of not less than \$100 Canadian currency, or £20 sterling money of Great Britain, and may be made payable in Canadian currency, sterling money of Great Britain or any other currency.

5. For the purpose of paying the interest of the said debentures and providing a sinking fund for the payment of the principal thereof the said municipal council shall, in each year during the currency of the said debentures or any of them, levy upon the ratable property of the said city the sum of \$101,047 or a sum bearing the same proportion to the sum to be borrowed under the by-law as \$101,047 bears to \$2,000,000.

6. The proceeds of the loan hereby authorized to be effected and of the debentures hereby authorized to be issued shall be applied for the purposes mentioned in the said Act, and for no other purpose whatever.

Passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ 1891.

{  
L. S.  
}

Clerk.

Mayor.

## CHAPTER 73.

An Act respecting an agreement between the Midland Railway, The Grand Trunk Railway Company of Canada, and the Village of Midland.

[Assented to 4th May, 1891.]

WHEREAS the Midland Railway and the Grand Trunk Preamble. Railway of Canada by their respective petitions have prayed that an Act may be passed confirming a certain agreement made the 11th day of April, 1889, by and between the corporation of the village of Midland, the Midland Railway and the Grand Trunk Railway Company of Canada; and whereas it is expedient to grant the prayer of the said petitions;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement  
confirmed.

1. The agreement made between the corporation of the village of Midland of the first part, the Midland Railway of the second part, and the Grand Trunk Railway Company of Canada of the third part, and dated the 11th day of April, in the year of our Lord 1889, set out in the schedule to this Act, is hereby confirmed and declared valid in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act.

---

## SCHEDULE.

(Section 1).

This agreement made this eleventh day of April, in the year of our Lord 1889.

By and between the corporation of the village of Midland herein after called the "village" of the first part, the Midland Railway of Canada, herein after called "The Midland Company," of the second part, and the Grand Trunk Railway Company of Canada hereinafter called "The Grand Trunk" of the third part.

Whereas the said parties hereto have agreed that in consideration of the Midland Company providing greater elevator accommodation at Midland and also increased facilities for the handling of freight coming to and going from Midland by water, they the said village will for a period of ten years from the execution hereof this year included in said ten years fix and establish the value for assessment purposes of the property of said companies jointly and severally at the sum of \$50,000, and that the yearly assessment of the said companies and each of them shall be on said sum, subject however to the stipulations herein after contained.

Therefore this agreement witnesseth that the said parties hereto have and they hereby do covenant, promise and agree each with the other in manner following, that is to say:

The said party of the first part, the said village, hereby covenant and agree with the said companies and each of them that for the period of ten years from the first day of January, 1889, the whole of the assessable property of the said companies and each of them in the village of Midland now owned by one or both of said companies in the village of Midland, no matter what changes may be made in the assessment laws of this Province shall be assessed at the sum of fifty thousand dollars, and that in each year of said ten years the said last mentioned sum shall be all the companies or either of them shall be assessed for or called to pay taxes upon and the rate of assessment on this shall be that in each year struck on the general assessment for the said village. The above includes all lands, buildings and assessable property whatsoever now owned or any erections which may hereafter be built or improved upon the said lands in said village by the said companies or either of them, and actually used for railway purposes or in the business of said companies or either of them during said ten years; provided always that any residence, dwelling-house or any other improvements not actually required and used for railway purposes now upon or that may hereafter be erected on any lands now owned by



by the said companies or either of them, and the lands on which they are erected shall be liable to assessment and taxation in the usual way. And provided further that in case the said companies or either of them sell or dispose of any part of their property in the village of Midland, or lease or let the same to any person other than one of their employees, the same shall thereafter be liable to assessment and taxation in the usual way. That if the said railway companies or either of them so require the corporation of the village of Midland will join in getting an act of the Local Legislature to confirm and give full effect to this agreement. Each of the parties hereto covenants and agrees with the other to abide by, observe and perform the above agreement in all respects according to the spirit, true intent and meaning thereof.

In witness whereof the said parties hereto have hereunto affixed their corporate seals on the day and year first above written.

Signed, sealed and delivered in the presence of

The corporation of the village of Midland by

WM. H. BENNETT, [Seal],  
*Reeve.*

H. J. SWIZER,  
*Clerk and Treasurer.*

The Midland Railway of Canada by

J. HICKSON, [Seal],  
*President.*

H. READ,  
*Secretary.*

The Grand Trunk Railway Company of Canada by

J. HICKSON, [Seal],  
*General Manager.*

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## CHAPTER 74.

An Act to consolidate the debt of the Town of Milton.

[Assented to 4th May, 1891.]

**W**HEREAS the municipal corporation of the town of Preamble.  
Milton, in the county of Halton, have by their petition represented that they have incurred debts and liabilities for the purpose of railway bonuses, waterworks, school and other public improvements, to the extent of \$54,850, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws, and are also indebted to the extent of \$649.72, for floating liabilities; and whereas the corporation have further represented that although a large sum has already been paid, or otherwise provided for, towards the liquidation of the said debt, there still

still remains to be paid, or provided for, exclusive of the debentures issued for waterworks purposes and still outstanding, the sum of \$20,000; and the corporation have by their petition prayed that the said debts may be consolidated and that they may be authorized to issue debentures for that purpose; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated.

1. The said debts of the said town of Milton, exclusive of the outstanding debentures issued for waterworks purposes, are hereby consolidated at the sum of \$20,000, and it shall be lawful for the corporation of the said town of Milton, from time to time to pass a by-law or by-laws, providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, in such sums, and not exceeding in the whole the said sum of \$20,000, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Issue of debentures authorized.

Power to borrow on debentures.

2. The corporation of the said town may, for the purpose in section 5 hereof mentioned, raise money by way of loan on the said debentures in this Province or Great Britain or elsewhere, or sell and dispose of said debentures, from time to time, as they may deem expedient.

Term of debentures.

3. The said debentures to the amount of \$20,000, to be issued under this Act, shall be made payable in each year for periods not exceeding thirty years from the date of the by-law or the respective by-laws taking effect, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly, on the first day of the months of January and July in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per centum per annum.

Special rate.

4. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized

ized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Milton, other than the debentures issued for waterworks purposes and in the payment of the said floating liabilities, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Application of  
debentures.

6. The treasurer of the said town shall, on receiving instruction from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Outstanding  
debentures  
may be called  
in.

7. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law and the interest thereon shall be fully paid and satisfied.

By-laws not to  
be repealed  
until debt  
satisfied.

8. It shall not be necessary to obtain the assent of the electors of the said town of Milton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of  
electors to by-  
laws not  
required.

Rev. Stat. c.  
184.

9. It shall be the duty of the treasurer of the said town, from time to time, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of

Treasurer to  
keep books  
showing state  
of debenture  
account.

Books to be  
open to inspec-  
tion of rate-  
payers.

the



the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Liability of  
corporation for  
debts not  
affected.

**10.** Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Milton from any indebtedness or liability which may not be included in the said debt of the said town of Milton.

Form of  
debentures,  
and by-law.

**11.** The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

Inconsistent  
provisions in  
Municipal Act  
not to apply.

**12.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Short title.

**13.** This Act may be cited as "*The Milton Debenture Act 1891.*"

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## SCHEDULE A.

(Section 11.)

No.

\$

### CONSOLIDATED DEBT DEBENTURE.

*Province of Ontario, Town of Milton.*

Under and by virtue of *The Milton Debenture Act, 1891*, and by virtue of by-law No. \_\_\_\_\_ of the corporation of the town of Milton, passed under the provisions contained in the said Act, the corporation of the town of Milton promise to pay the bearer at Bank of Hamilton, in the town of Milton, the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand

thousand                      hundred and                      and to pay interest thereon at the rate of                      per cent. per annum to bearer of the annexed coupons respectively, upon presentation thereof at the Bank of Hamilton, Milton, as the same shall severally become due.

Dated at the town of Milton, in the county of Halton, this  
day of                      , A.D.

A. Z.,  
Mayor.  
B. Y.,  
Treasurer.



## SCHEDULE B.

(Section 11.)

By-law No.                      to authorize the issue of debentures under the authority of *The Milton Debenture Act, 1891.*

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$20,000 in the whole, as the corporation of the town of Milton, may in pursuance of, and in conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$                      payable on the                      day of                      , and on the                      day of                      (or as the case may be), with interest thereon at the rate of                      per centum per annum, payable half-yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Milton, according to the last revised assessment roll of the said town, being for the year one thousand and                      hundred and                      was \$

Therefore the municipal corporation of the town of Milton hereby enacts as follows:—

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$                      , are hereby authorized and directed to be issued, and the same shall be payable in                      annual instalments at the Bank of Hamilton, in the town of Milton.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of                      per centum per annum, payable half-yearly, on the first days of January and July in each year.

3. For the payment of the said debentures and interest thereon, the sum of \$                      shall be raised and levied by a special rate sufficient therefor on all the ratable property in the said town of Milton, in the year 189                      , and in each of the next succeeding                      years.

This by-law, passed in open council this                      day of                      , in the year of our Lord one thousand                      hundred and

## CHAPTER. 75

## An Act to amend the law respecting the Municipality of Neebing.

[Assented to 4th May, 1891.]

## Preamble.

WHEREAS the corporation of the municipality of Neebing has by its petition represented that it is in the interests of the said municipality to amend the Act passed in the 53rd year of Her Majesty's reign, intituled *An Act respecting certain by-laws of the municipality of Neebing*, and have also petitioned that a certain By-law, number 114 of the said municipality of Neebing may be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

53 V., c. 91,  
s. 1, amended.

1. Section 1 of the *Act respecting certain by-laws of the municipality of Neebing*, passed by this Legislature in the 53rd year of Her Majesty's reign, and chaptered 91, is amended by adding thereto, as subsection 2 of the said section, the following:

Certain prop-  
erty of C. P.  
R. Co. ex-  
empted from  
municipal  
taxation.

(2.) All the real and personal property of the Canadian Pacific Railway Company in the township of McKellar or McKellar Ward, in the said municipality of Neebing, except (a) the real property of the company actually used and occupied by any other person or other corporation for the sole use and benefit of such other person or corporation, by and with the consent and approval of the said company, while and during the period it is so actually used and occupied as aforesaid; and except (b) any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid, shall be exempt from all municipal and school assessment rates, taxes and levies, and from all municipal and school taxation for a period of twenty years from the 1st day of December, 1889.

By-law No.  
114 confirmed.

2. By-law number 114 of the said municipality of Neebing, authorizing the issue of \$10,000 of debentures for the township of McKellar or McKellar Ward, in the said municipality for general improvements therein, is hereby ratified, confirmed and made binding upon the municipality of Neebing and all  
the



the inhabitants and ratepayers thereof, notwithstanding any defect therein or any Act of this Legislature to the contrary.

3. To remove all doubts and to prevent confusion with the Township of McKellar in the District of Parry Sound, and notwithstanding that the same is or has been referred to in the maps of the Department of Crown Lands as Neebing additional, that part of the municipality of Neebing, referred to and described in section 5 of chapter 43 of the Acts passed in the 44th year of Her Majesty's reign, as the Township of McKellar and constituting the McKellar Ward shall be known and designated as McKellar Ward. McKellar Ward.

## CHAPTER 76.

An Act to authorize the Corporation of the Town of  
Orillia to purchase land for a Post Office site.

*[Assented to 4th May, 1891.]*

**W**HEREAS the corporation of the town of Orillia have by Preamble  
their petition represented that it is intended to erect a post office and custom house in said town upon the condition of a site for the same being presented by said town to the Government of the Dominion of Canada, and have prayed that an Act may be passed authorizing them to purchase the land hereinafter mentioned for such purpose, and to pay therefor out of the funds of the said corporation the sum of \$1,500; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the town of Orillia may purchase from the owner or owners thereof, and may convey, or cause to be conveyed, to Her Majesty the Queen as represented by the Government of the Dominion of Canada, or to whom they may direct, for the purpose hereinbefore mentioned, the northerly seventy-five feet of lot number six on the north side of Colborne street in the said town of Orillia (Gardner's survey), and which may be more particularly known Purchase of land for post office and transfer to Dominion Government authorized.

known and described as follows:—Commencing at the north-west corner of said lot number six, thence southerly along the easterly limit of Peter street seventy-five feet, thence easterly on a course parallel to the north limit of said lot six to the east limit thereof, thence northerly along said easterly limit seventy-five feet to the north limit of said lot six, thence westerly along said northerly limit to the place of beginning.

Payment out  
of corporation  
funds author-  
ized.

2. The said corporation may pay to the owner or owners of the above-mentioned parcel of land the sum of \$1,500 of the money of the said corporation therefor, and may, without obtaining the assent of the ratepayers, pass all necessary by-laws and do all other acts and things requisite to give effect to this Act.

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## CHAPTER 77.

An Act respecting certain local improvements in the  
City of Ottawa.

*[Assented to 4th May, 1891.]*

Preamble.

WHEREAS the corporation of the city of Ottawa have been accustomed to pay a proportion of the cost of certain local improvements out of the proceeds of the general rate as an assumed equivalent to the rates levied upon the properties benefited by such local improvements prior to the passage by the said corporation of its local improvement by-law, towards defraying in part the cost of similar improvements constructed for the benefit of other property; and whereas it is equitable that the moneys required for paying the proportion of the cost of such local improvements assumed by the said corporation should be raised in the same manner as the remainder of such cost; and whereas the said corporation have by their petition prayed for an Act to enable them to provide for the construction at the expense of the general funds of the municipality of two feet in width of certain improvements and to issue debentures to pay for the cost of the same; and whereas it has been made to appear that there are reasons for the provisions hereinafter contained in the case of the said city of Ottawa which do not apply to other cities or municipalities; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the council of the corporation of the city of Ottawa, to provide by by-law, for constructing at the expense of the general funds of the municipality of the city of Ottawa, two feet in width of every sidewalk to be constructed within the city of Ottawa as a local improvement, and to issue from time to time debentures for the cost of the same. Construction of certain local improvements at expense of general funds.

2. The by-law or by-laws of the said corporation, passed under the authority of this Act, shall not require to be submitted to, or to have the assent of the electors of the said city before the final passing thereof; nor shall it be necessary that any of the provisions of *The Municipal Act* relating to by-laws for creating debts be complied with. Assent of electors not required to by-laws. Rev. Stat 184.

3. No defect in substance or in the form of the said debentures or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof. Irregularities in form not to invalidate debentures.

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## CHAPTER 78.

### An Act to Consolidate the Debt of the Town of Port Arthur.

[Assented to 4th May, 1891.]

WHEREAS the corporation of the town of Port Arthur, Preamble.  
in the district of Thunder Bay, have by their petition represented that they have incurred debts and liabilities for the purpose of giving railway bonuses and for public improvements to the extent of \$127,750 for which amount debentures of the said town have from time to time been issued under the authority of various by-laws; and whereas the said corporation have by their petition represented that they have raised and deposited upon interest in the Ontario Bank at Port Arthur to the credit of the sinking fund for the



the payment of its debenture debt yet to mature, the sum of \$20,000; and whereas there are outstanding uncollected taxes amounting to \$18,983 up to the 31st day of January, 1891, of which \$8,264.10 is for the purpose of sinking funds for the said outstanding debentures; and whereas on the said 31st day of January, 1891, there was a floating debt of the said town amounting to \$13,100, and inasmuch as a considerable portion of the said outstanding taxes will be uncollectable it is necessary to make provision for payment of \$5,000 of the said floating debt by means of debentures for that amount hereafter; and whereas the said corporation have by their said petition represented that they are desirous of constructing and operating a system of electric street railway for the general benefit of the said corporation estimated not to exceed \$75,000; and whereas the said corporation did pass a by-law authorizing the construction and operation of said electric street railway by a majority of ninety per cent. of the ratepayers of the town voting thereon on the 5th day of January, 1891, intituled "A by-law to raise the sum of \$75,000 for street railway purposes and to issue debentures therefor," the debentures thereunder being authorized to run for a period of thirty years and which said by-law is numbered 281; and whereas the said corporation have petitioned that for the purpose of removing all doubts as to the validity of the said by-law, the same may be confirmed and legalized; and whereas it has been made to appear that the works for which the said indebtedness above recited was incurred are all of a permanent character and will endure for a period exceeding the time for the maturing of the debentures hereby authorized to be issued and that the said corporation can borrow the money and repay the same to a much greater advantage if such indebtedness extend over a period of thirty years; and whereas the said corporation by their said petition have prayed that the said secured debts of the said town as above recited may be consolidated and that the said corporation may be authorized to issue debentures for that purpose; and whereas the said corporation have further petitioned for power to convey certain lands now belonging to the said corporation to Her Majesty, as represented by the Government of the Dominion of Canada, for the purpose of a site for a post office, custom house, and other public offices; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. It shall be lawful for the said town of Port Arthur from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer for the time being in such sums and not exceeding in the whole \$112,750 as the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing

accruing thereon may be payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada as the corporation may deem expedient.

2. The corporation of the said town may for the purposes in section 4 hereof mentioned raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere or sell and dispose of said debentures from time to time as they may deem expedient.

Power to borrow on or sell debentures.

3. The said debentures shall be payable in not more than thirty years from the issue thereof as the said corporation may direct: coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable half-yearly from the first day of the months of May and November in each and every year during the currency of the said debentures at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Payment of debentures and interest.

4. Said debentures and all moneys arising therefrom shall be applied as follows:—In the redemption of the outstanding debentures of the town of Port Arthur and the said floating debt to the amount of \$112,750, and for no other purpose whatsoever, and such debentures may be known as "The Consolidated Debt Debentures."

Application of debentures.

5. The treasurer of the said town shall upon receiving instructions from the council so to do from time to time but only with the consent of the holders thereof call in any of the outstanding debentures and shall discharge the same with funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between said council and the said holders of the said outstanding debentures.

Outstanding debentures may be called in.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created by such by-law and the interest thereon shall be paid and satisfied; and nothing in this Act contained shall relieve the said corporation of the said town or the municipal council thereof from the obligation of continuing to raise sinking funds for payment of the present outstanding debentures in pursuance of the several by-laws providing for the issue thereof, until such outstanding debentures shall have been paid off or redeemed, nor from the obligation of applying the sum of \$8,264.10 of the said outstanding and uncollectable taxes for sinking fund purposes, or so much thereof as may be actually collected towards payment or reduction of the said now outstanding debenture debt.

By-laws not to be repealed until debt satisfied.  
Proviso.

Special rate  
for sinking  
fund.

7. For payment of the principal of the said debentures to be issued under the preceding sections of this Act, the council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures) which shall be sufficient to form a sinking fund for that purpose and thereafter it shall not be necessary for the council to enforce the collection of the sinking fund or amounts required to be levied for principal money to pay the said now outstanding debentures.

Investment of  
sinking fund.

8. The said corporation shall have power at any time to invest any money now or at any time standing at the credit of the sinking fund in the redemption of the said outstanding debentures of the said town or in the redemption of the debentures issued under the authority of the preceding sections of this Act or in Government securities, municipal debentures or in first mortgages on real estate held and used for farming purposes and being the first lien on such real estate but not to any greater extent than two-thirds of the assessed value of such real estate or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same or that may be sanctioned by the Lieutenant-Governor in Council or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve.

Special rate to  
be entered  
separately on  
the roll.

9. The special rate for the interest and sinking fund for payment of the debentures to be issued under the authority of the preceding sections of this Act shall in each and every year during the continuance of said debentures be inserted in a separate and distinct column on the collector's roll of the said town, and shall not be included with any other rate or rates.

Form of de-  
bentures and  
by-laws.

10. The debentures issued under the preceding sections of this Act may be in the form contained in the schedule "A" to this Act, and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule "B" to this Act.

Treasurer to  
keep books of  
account.

11. It shall be the duty of the treasurer from time to time of the said town to keep and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued, under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized



realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amount and also the investments which shall from time to time be made of the sinking fund and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any rate-payer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

**12.** It shall not be necessary to obtain the consent of the electors of the said town of Port Arthur to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by any acts respecting municipal institutions.

Consent of  
electors not  
required.

**13.** Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Port Arthur from any indebtedness or liability which may not be included in the said debt of the town of Port Arthur.

Indebtedness  
not dis-  
charged.

**14.** Any provision in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of such by-law or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent  
provisions in  
municipa  
Acts not to  
apply.

Irregularities  
in form not to  
invalidate  
debentures.

**15.—(1)** The said by-law of the said corporation of the town of Port Arthur numbered 281, a copy whereof is appended as schedule C to this Act, and intituled "A by-law to raise the sum of \$75,000 for street railway purposes and to authorize the issue of debentures therefor," is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the town of Port Arthur and the rate-payers thereof notwithstanding any thing in any Act or law to the contrary, and such debentures so to be issued and the principal money secured thereby and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, and for all purposes, matters and things whatsoever relating to or affecting

By-law No.  
281 confirmed.

ing the said by-law, any and all amendments of *The Municipal Act* having force and effect on the 1st day of August, 1891, shall be deemed and taken as having been complied with and as having been made and being in full force and effect prior to the passing of the said by-law.

Costs of pending litigation not affected.

(2) Nothing in this section contained shall prejudice or affect the question of costs of any action or proceeding now pending.

Approval of by-law by Lieutenant-Governor.

(3) Nothing in this section contained shall be construed so as to relieve the said corporation from the necessity of obtaining the approval of the Lieutenant-Governor in Council under the provisions of section 504 of *The Municipal Act* as amended by section 25 of *The Municipal Amendment Act, 1890*.

Power to convey certain lands to Dominion Government.

**16.** For the purpose of a post office, custom house and other public buildings, the corporation of the town of Port Arthur is hereby empowered to convey to Her Majesty, the Queen, as represented by the government of the Dominion of Canada for the nominal consideration of one dollar, all their right, title and interest in certain lands now belonging to the said town of Port Arthur, namely, such portion or portions of park lot 5, on the north side of Arthur street, in the town of Port Arthur, as the said council may decide upon, and the mayor and the clerk of the corporation of the town of Port Arthur are hereby authorized and empowered to grant to Her Majesty, as aforesaid, by way of the usual statutory deed, with the usual statutory covenants, all their estate, right, title or interest in such portion or portions of said lands as the said council, by resolution, may direct to be so granted.

Short Title.

**17.** This Act may be cited as "*The Port Arthur Debenture Act, 1891*."

## SCHEDULE A.

(Section 10.)

### CONSOLIDATED DEBT DEBENTURE.

No.

\$

Province of Ontario, Town of Port Arthur.

Under and by virtue of "*The Port Arthur Debenture Act, 1891*," and by virtue of by-law No. of the corporation of the town of Port Arthur, passed

passed under the provisions contained in the said Act, the corporation of the town of Port Arthur promise to pay to the bearer at  
in the sum of  
on the day of one thousand  
hundred and and the half-yearly coupons  
for interest hereto attached, as the same shall severally become due.

Dated at Port Arthur, in the District of Thunder Bay, this  
day of A.D.

Mayor.

Treasurer.

{ CORPORATE }  
{ SEAL. }

## SCHEDULE B.

(Section 10.)

By-law to authorize the issue of debentures under the authority of " *The Port Arthur Debenture Act, 1891,*" and to impose a special rate for the payment thereof.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$  
in the whole, as the corporation of the town of Port Arthur may direct ; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of  
dollars, payable on the day of with interest thereon, at the rate of per cent. per annum, payable half-yearly according to the coupons to the said debentures attached ; and whereas the said Act requires for payment of the debentures to be issued thereunder, that the council shall impose a special rate, which shall be sufficient to form a sinking fund sufficient for the payment at maturity of the principal of such debentures over and above all interest to be paid on said debentures, and it will require the sum of to be raised annually for the said interest and sinking fund ; and whereas the amount of the whole ratable property of the town of Port Arthur, according to the last revised assessment roll of the said town being for the year one thousand eight hundred and was

Therefore the Municipal Council of the Town of Port Arthur enacts as follows :—

1. Debentures under the said Act, and for the purposes therein mentioned, to the extent of the sum of are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached, for the payment of the interest, at the rate of per cent per annum, payable half-yearly, on the first days of and in each year.

3. For the purpose of forming a sinking fund for the payment of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of shall over and above and in addition to all other sums or rates be raised, levied and collected in each year upon all the ratable property in the said town of Port Arthur, during the continuance of the debentures or any of them.

This by-law passed in open council this day of  
in the year of our Lord, one thousand eight hundred and



## SCHEDULE C.

*(Section 15.)*

TOWN OF PORT ARTHUR.

No. 281.

A by-law to raise the sum of \$75,000 for street railway purposes, and to authorize the issue of the debentures therefor.

Whereas it is necessary to raise the sum of \$75,000 for the purpose of building, equipping, maintaining, and operating a street railway connecting the municipality of Neebing with the business centre of this municipality, and in order thereto, it will be necessary to issue debentures of the municipality of the town of Port Arthur for the sum of \$75,000, payable as herein provided for.

And whereas it will be necessary to raise annually during the term of thirty years by special rate for paying the said debt and interest the sum of \$4,380.

And whereas the amount of the whole ratable property of this municipality according to the last revised assessment roll, amounts to \$1,745,788.

And whereas the existing debenture debt of this municipality amounts to \$158,855.28, of which \$31,105.28 is for local improvements, and no principal or interest is in arrear.

Therefore the municipal council of the corporation of the town of Port Arthur enacts as follows :—

1. It shall be lawful for the mayor of the said town for the purposes aforesaid, to borrow the said sum of \$75,000, and to issue debentures of the said municipality to the amount of \$75,000, in sums of not less than \$1,000 each, payable at the end of thirty years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding 4 per cent. per annum, payable half-yearly on the first days of September and March in each and every year during the currency of the said debentures.

2. The said debentures as to principal and interest shall be payable at the Bank of Montreal, Montreal, or at the treasurer's office, Port Arthur.

3. It shall be lawful for the mayor of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto, to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied annually by a special rate on all the ratable property in the said municipality, the sum of \$3,000 for the payment of interest during the currency of the said debentures, and also the sum of \$1,380 for the payment of the said debt.

5. This by-law shall take effect on the first day of March A.D. 1891.

6. The votes of the ratepayers of the said municipality shall be taken on this by-law at the following times and places at the town of Port Arthur, that is to say, on Monday, the 5th day of January next at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day, in the First Ward, at the Town Hall on Court Street, by Mr. John Fisher, in the Second Ward at the Immigrant Shed, by Mr. T. J. C. Rodden ; in the Third Ward, at the C. P. R. House, on Cumberland street, by Mr. Wm. Craig.

7. On Friday, the 2nd day of January next, the mayor shall attend at the council chamber at 11 o'clock to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this By-law.

8. The clerk of the council of the municipality shall attend at the council chamber, in the town of Port Arthur, at 12 o'clock noon of Tuesday, the 6th day of January, 1891, and sum up the number of votes given for and against the By-law.

Dated at the town of Port Arthur, this second day of February, A.D. 1891.

(Sd.) J. F. RUTTAN, Mayor.  
(Sd.) W. H. LANGWORTHY, Clerk.

(SEAL.)

## CHAPTER 79.

### An Act to consolidate certain debts of the City of St. Thomas.

[Assented to 4th May, 1891.]

**W**HEREAS the corporation of the city of St. Thomas have, Preamble.  
by their petition, represented that they have incurred certain debts and liabilities for the purpose of giving a bonus to the Canada Southern Railway Company to the extent of \$25,000, for which amount debentures were issued under the authority of by-law number 74 of the said municipality, and are also indebted to the extent of \$5,000 for floating liabilities; and whereas the said corporation has further represented that the interest on the said debenture debt of \$25,000 has been regularly paid, but no provision has been made for the sinking fund or otherwise for redeeming the said debentures, they having been relieved therefrom by an Act passed in the 44th year of Her Majesty's reign, chaptered 46, and intitled, An Act to incorporate the City of St. Thomas; and whereas it has been made to appear that both these liabilities will become due on the 31st of December, 1891, and no provision has been made for the payment thereof, nor could be made without rendering taxation unduly oppressive to the ratepayers; and whereas the said corporation have, by their petition, prayed that the said secured and unsecured debts may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the said city of St. Thomas are hereby consolidated at the sum of \$30,000, and it shall be lawful for the corporation of the said city of St. Thomas to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum or sufficient sums to retire the said debentures amounting to \$25,000, as they

Debts consolidated.

they respectively become due and to pay off the other debts amounting to \$5,000 not exceeding in the whole \$30,000, exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the city of St. Thomas, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being in such sums not less than \$100, and not exceeding \$30,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The corporation of said city may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than twenty years from the issue thereof as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half-yearly on the first days of the months of January and July in each and every year at the places mentioned therein, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Special rate.

5. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for the interest of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate."

Bonds of London and Port Stanley Ry. Co. to be security for payment of debentures and interest.

6. It shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them, but the bonds of the London and Port Stanley Railway Company to the amount of \$38,000 now held by, and belonging to, the said corporation being thirty-eight first mortgage bonds, each for the sum of \$1,000, bearing date the 10th day of March, 1882, and numbered respectively from three hundred and twenty-nine to three hundred and sixty-six inclusive, shall be specially held by and are hereby specially charged in the hands of the corporation of the said city as security to the holders of such debentures at maturity, and so long as the interest on such debentures is regularly paid the said corporation may use the interest received by them on such bonds for such purposes as they think proper, but the said bonds or the proceeds



proceeds thereof to the extent of \$30,000 if sold, shall not be used for or applied to any other purpose than the payment of such debentures; Provided always, that the said corporation may at any time in their discretion sell the said bonds, and in the event of any such sale or sales they shall invest the proceeds thereof together with the amount of any deficiency hereinafter mentioned to the amount of \$30,000 in securities as provided for by section 375 of *The Municipal Act*, and such bonds or the proceeds thereof to the extent of \$30,000 or the securities in which the same may be invested, as the case may be, shall be applied to the redemption of such debentures, and shall not be used or applied for any other purpose until all the said debentures and interest thereon shall be fully paid. Provided further that in the event of a sale of the said bonds at a less price than \$30,000 for the whole thereof, the said corporation shall make good any deficiency.

Proviso.

Rev. St t. c.  
184.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures to the amount of \$25,000 which fall due on the 31st day of December, A.D. 1891, and which were given by way of a bonus to the Canada Southern Railway Company and in payment of the said debt of \$5,000 and in no other manner and for no other purpose whatsoever, and such debentures may be known as "The Consolidated Debt Debentures."

Application  
of debentures.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-law not  
be repealed  
until debt  
paid.

9. It shall not be necessary to obtain the assent of the electors of the said city of St. Thomas to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, or amendments thereto.

Assent of  
electors to  
by-law not  
required.

Rev. Stat,  
c. 184.

10. It shall be the duty of the treasurer, from time to time, of the said city to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said city, and

Treasurer to  
keep proper  
book of ac-  
count.

and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Form of debentures and by-laws.

11. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

Inconsistent provisions not to apply.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them shall not apply to any by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularities in form not to invalidate debentures.

Short title.

13. This Act may be cited as "*The St. Thomas Debenture Act 1891.*"

SCHEDULE A.

(Section 11.)

PROVINCE OF ONTARIO, DOMINION OF CANADA, CITY OF ST. THOMAS.

\$ No.

Consolidated Debt Debenture.

\* Under and by virtue of "*The St. Thomas Debenture Act, 1891,*" and by virtue of by-law No. of the corporation of the city of St. Thomas, passed under the provisions contained in the said Act.

The corporation of the city of St. Thomas promise to pay  
at in  
the sum of on the day of  
A.D. and the half-yearly coupons hereto  
attached, at the same place as the same shall respectively become due.

Dated at St. Thomas this day of  
A.D.

{ L.S. }

A. B. Mayor.  
C. D. Treasurer.

SCHEDULE

## SCHEDULE B.

*(Section 11.)*

BY-LAW NO. TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE  
AUTHORITY OF "THE ST. THOMAS DEBENTURE ACT, 1891."

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$30,000 in the whole, as the corporation of the city of St. Thomas may in pursuance of, and in conformity with the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_, payable on the \_\_\_\_\_ day of \_\_\_\_\_, with interest thereon at the rate of \_\_\_\_\_ per cent. per annum, payable half-yearly on the first days of the months of January and July in each and every year according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said city of St. Thomas according to the last revised assessment roll of the said city, being for the year one thousand eight hundred and \_\_\_\_\_ was \$ \_\_\_\_\_

Therefore the municipal council of the corporation of the city of St. Thomas enacts as follows:—

1. Debentures under the said Act, and for the purposes therein mentioned to be known as "Consolidated Debt Debentures," to the extent of the sum of \$ \_\_\_\_\_ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of \_\_\_\_\_ per centum per annum, payable half-yearly on the first days of the months of January and July in each year.

This by-law passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

## CHAPTER 80.

An Act to enable the Crown to dispose of certain Reserves in the Town Plot of Shrewsbury.

*[Assented to 4th May, 1891.]*

WHEREAS on the plan of the original survey of the town Preamble.  
plot of Shrewsbury, in the township of Harwich, there were laid down two certain reserves, marked respectively "Market Square" and "Gaol and Court House Reserve" and it has been made to appear that the said reserves have never been used for the purposes for which they were dedicated and are never likely to be so used, and the municipality of the said township of Harwich hath petitioned for an Act authorizing the sale of the same in the same manner as other lands are disposed of by the Commissioner, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



Reserves for  
marketsquare,  
goal and court  
house cancel-  
led.

1. From and after the passing of this Act the dedication of the said two reserves in the said town plot of Shrewsbury as a market square and a gaol and court house reserve respectively shall be and is hereby cancelled, revoked and annulled to all intents and for all purposes, and the Commissioner of Crown Lands is authorized and shall be entitled to sell, lease or otherwise dispose of the said reserves, or either of them, or any part thereof in the same manner as any other public lands may be disposed of by him, and in as full and ample a manner as if the dedication herein referred to had never been made.

## CHAPTER 81.

### An Act to provide for the division of the Township of Tilbury West.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS certain inhabitants of the township of Tilbury West, in the county of Essex, have by their petition represented that it is expedient to separate the said township of Tilbury West into two distinct municipalities, inasmuch as such division of the said township will greatly promote the welfare and convenience of its inhabitants; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation  
of township of  
Tilbury North

1. Upon, from and after the last Monday of December, 1891, the inhabitants of all that portion of the township of Tilbury West aforesaid which lies north of centre of road allowance between the ninth and tenth concessions, and east of the line between lots numbers fifteen and sixteen and north of the centre of road allowance between the range of lots north of the Middle Road and fourth concession, and north of the centre of road allowance between the fourth and fifth concessions in the said township of Tilbury West, shall be incorporated as, and shall constitute a separate township municipality, under the name of the municipal corporation of the township of Tilbury North, and the said territory shall thereafter be deemed to be a separate municipality for all school, municipal and other purposes whatsoever in the same manner to all intents and purposes as a township incorporated under *The Municipal Act*, and the township municipality hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships in the Province of Ontario.

Rev. Stat., c.  
184.

Incorporation  
of township of  
Tilbury  
West.

2. Upon, from and after the said last Monday in December, 1891, the inhabitants of all that portion of the said township of

of Tilbury West which remains and is not so set apart into the said township of Tilbury North, and included in the territory thereof as in the first section of this Act set out, shall be incorporated as and shall constitute a separate township municipality under the name of the municipal corporation of the township of Tilbury West, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as a township incorporated under *The Municipal Act*, and the township municipality hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships in the Province of Ontario.

Rev. Stat.,  
184.

3. All and every the assets and debts of the present municipality of Tilbury West shall be divided between the said respective municipalities of Tilbury North on the one hand and Tilbury West on the other, in the same manner and by the same proceedings, as nearly as may be, as in the case of a separation of a junior township from a senior township, and as soon as the debts shall have been divided as aforesaid each of the said municipalities shall be bound to the repayment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such municipalities respectively, but each of the townships hereby created shall remain liable as surety in respect of the share (if any) of the said debts which it is not its duty primarily to pay.

Adjustment  
of assets and  
liabilities.

4. The first nominations for the election of municipal councillors for the said townships shall take place on the said last Monday of December, 1891, and the polling (if any) at such election shall take place on the first Monday in January next thereafter, and the place for holding such nomination for the township of Tilbury North shall be at Desjardins' Hall, in the village of Stoney Point, and John B. Chauvin, formerly clerk of the Township of Tilbury West (or in the event of his being unable or unwilling to act, some suitable person to be named by the present council of the township of Tilbury West a reasonable time before such date of nomination), shall be returning officer at said election; and the place for holding the nomination for the township of Tilbury West shall be at the township hall in the village of Comber, and the returning officer at such election shall be the township clerk of the present township of Tilbury West; and the township council of the present township of Tilbury West shall divide the said townships of Tilbury North and Tilbury West into polling sub-divisions, and appoint deputy returning officers therefor for the first election to be holden therein, as provided by the statutes in that behalf.

First election  
in new town-  
ships.

Certain provisions of Rev. Stat. c. 184 to apply.

5. The provisions of *The Municipal Act* and amendments thereto having reference to the case of the separation of a junior from a senior township shall apply to the Townships hereby formed as if said townships had been a union of townships, except where it is otherwise herein specifically provided; and for the purpose of applying such provisions the said township of Tilbury West shall be deemed to have been the senior township, and the said township of Tilbury North shall be deemed to have been the junior township, and the corporation of the township of Tilbury West shall be deemed to be a continuation of the said corporation of the township of Tilbury West.

Clerk of Tilbury West to furnish necessary copies of assessment roll.

6. The clerk of the said township of Tilbury West shall furnish to the returning officer of the township of Tilbury North, before the said election, a copy of the assessment roll of the township of Tilbury West for the year 1891, so far as the same contains the ratable property assessed, and the names of the owners, tenants and occupants thereof within that part of the said township which is hereby constituted the township of Tilbury North.

Liability to maintain ditches, drains, etc., not affected.

7. Nothing in this Act contained shall be construed to have the effect of relieving any owner of lands or any municipality from any liability existing at the time of the passing of this Act for maintaining and keeping in repair any ditch, drain, creek or watercourse, but such liability shall continue as if this Act had not been passed, and in all future assessments in respect of any ditch, drain, creek or watercourse being partly in both the townships of Tilbury North and Tilbury West rates shall be levied in both the said townships, and all assessments in respect thereof shall be made in the same manner as if this Act had not been passed.

Agricultural society for new townships.

8. The agricultural society heretofore known as the Tilbury West Agricultural Society shall continue as the Tilbury West and Tilbury North Agricultural Society and, as such Union Society, shall hold and possess all lands and buildings, which heretofore were held by the Tilbury West Agricultural Society for the purpose of Agricultural Fairs and Exhibitions.

Expenses of Act.

9. All expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required for the passing of the same, and all expenses necessary to put this Act into effect, shall be borne and paid by the township of Tilbury North to any parties entitled thereto.



## CHAPTER 82.

## An Act respecting the City of Toronto.

[Assented to 4th May, 1891.]

WHEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the several matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Two certain agreements made on the 23rd day of July, 1890, between the corporation of the city of Toronto, the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company respecting the "Don Improvement," and which are printed as schedule "A" hereto, are hereby validated and confirmed, and the said corporation of the city of Toronto is hereby declared to have and to have had power to do all necessary acts to give effect to the same.

Agreements  
with C. P. Ry.  
Co. and Ont.  
and Que. Ry.  
Co., confirmed.

2. Notwithstanding anything contained in any Acts respecting the city of Toronto or in *The Railway Act of Ontario* or in any other Act of this Legislature, it shall be lawful for The Toronto Belt Line Railway Company for the purpose of their line of railway forthwith to enter upon and take possession of that portion of the lands of the city of Toronto, being part of the improvements of the river Don, which may be described as follows: All and singular that certain parcel or tract of land and premises being composed of parts of the lands heretofore expropriated and set apart by the city of Toronto for the purpose of the Don improvement, and which may be more particularly described as being a strip of land twelve feet in width throughout lying six feet on each side of the following described centre line, that is to say: Commencing at a point on the south-easterly limit of Winchester street where the same is intersected by the located centre line of the said Belt Line Railway; thence southerly along a curve to the right of 1,146 feet radius to the intersection of a straight line drawn parallel with the west limit of the channel of said Don improvement, and distant 55 feet measured westerly therefrom and at right angles thereto; thence southerly along said line keeping parallel with said limit of said channel to a point thereon south of the intersection of Eastern avenue, being the point of tangent with a curve to the right of 573 feet radius to connect with the northerly track of the main line of the Grand Trunk Railway at a point about 150 feet easterly on said track from the east face of the east wall of the Don station; thence from the first mentioned point of tangent south-westerly along said curve to the intersection of the westerly limit of the westerly road laid out by the said city

Agreement  
with Toronto  
Belt Line Ry.  
Co., for right  
of way over  
Don improve-  
ments.

along

along the side of the said Don improvement, such strip of twelve feet to be used by the said company for running purposes only; Provided that the said company shall only occupy said strip as lessees of the said city, and that the terms and conditions of the said lease shall be settled by agreement between the said company and the said city, and such agreement shall be as nearly as the circumstances will permit upon the lines of the said agreement of 23rd July, 1890, and in case the parties have not within ten days after the passing of this Act settled the terms of such agreement all the terms thereof so in difference shall be settled and determined by arbitration as follows: Each party shall forthwith appoint an arbitrator and the two so appointed shall hear and finally determine such matters in difference, making their award in writing; but if they disagree then it shall be finally determined by the Honorable John M. Gibson, M.P.P., as umpire, and who shall as an umpire make his award in writing, and the award shall be made within two months from the passing of this Act and shall be final and binding and shall not be subject to appeal.

Assessment of  
lands bene-  
fited by Don  
improvement.

3. Notwithstanding anything herein contained the corporation of the city of Toronto may charge against, assess and levy upon the lands benefited by the said Don improvement pursuant to the provisions of *The Municipal Act* and amending Acts, and of the Acts relating to the said improvement, two-thirds of the net cost of those portions of the said improvement which have been constructed by the said corporation, and in ascertaining the cost of the said Don improvement, and in making the local special assessments therefor the council of the corporation of the city of Toronto and the city engineer or other officer or officers who may be charged with that duty shall take into consideration and make due allowance for any sum or sums of money which the said corporation may have already received before the making of such local special assessments or may be entitled to receive after the making thereof, under any agreements, leases or other dispositions of any rights of way, or any other rights or privileges granted or to be granted to any railway company, or to any other corporation or person upon or along the said Don improvement, or any part thereof. And after such local special assessments shall have been made and confirmed, the said council shall, in the event of its granting any further or other such rights or privileges upon or along the said Don improvement, or any part thereof, whereby it shall become entitled to receive any further or other sum or sums of money for or in respect of any such right or privilege, or otherwise howsoever, apply two-thirds of all moneys so to be received in reduction of the said annual special local assessments so to be made as aforesaid, and shall make all due and proper allowances, from year to year as the said moneys may come in, and as occasion may require.

4. Notwithstanding the provisions of the Act passed in the 49th year of Her Majesty's reign, chaptered 66, and of the Act passed in the 52nd year of Her Majesty's reign, chaptered 73, amending the same, the corporation of the city of Toronto may, with the assent of the electors entitled to vote on money by-laws, issue debentures for such further sums of money as may be necessary to complete the "Don Improvement," provided for in the said Acts; and the provisions of section 8 of the said last mentioned Act, shall apply to any other further sums so raised for the purpose aforesaid.

Power to issue debentures to complete Don improvement.

5. Section 8 of the said Act passed in the 49th year of Her Majesty's reign, chaptered 66, is amended by striking out the words "or control over" in the 8th line thereof, and by substituting the words "such terms as may be agreed upon with the said council" for the words "equal terms" in the 9th and 10th lines of the said section.

49 Vic., c. 66, s. 8 amended.

6. Subject to the provisions of section 344 of *The Municipal Act*, the corporation of the city of Toronto may take such steps as they may consider necessary to reclaim certain waste marsh lands in the neighbourhood of Ashbridge's Bay, and may by by-law determine what lands will be benefited by the said improvement, and the proportion in which the cost thereof should be assessed against the said lands so respectively benefited, and also the proportion (if any), of the cost of the said improvement which should be assumed by the city at large, and may assess and levy the portions to be borne by the lands benefited against the said lands in such relative proportions and payable within such period as the said corporation may determine by the same or any other by-law; there shall be the same right of appeal from any such proposed assessment to the court of revision and the county judge as is provided in section 569 of *The Municipal Act*, and the proceedings thereon shall be the same as in the case of appeals from ordinary assessments under *The Assessment Act*; Provided always that notwithstanding anything in this section contained all letters patent from Her Majesty to the said city of Toronto and especially those certain letters patent from Her Majesty to the said city of Toronto bearing date the 18th day of May, 1880, and the 17th day of April, 1882, and all matters, terms, conditions, stipulations and provisions contained in any and every of such letters patent and all the rights, interests and control either of Her Majesty or of the Province of Ontario of, in, to or out of or in respect of any and all lands covered by the waters of the said Ashbridge's bay, and of, in, to and out of or in respect of any and all waste marsh or other lands in the neighborhood of Ashbridge's bay shall to all intents and for all purposes remain, continue and exist in full force and effect and without any varying or alteration thereof and as if this Act had not been passed.

Power to reclaim marsh in Ashbridge's Bay.

Proviso.



Loans for the purpose of carrying out agreements with the C. P. R. & G. T. R.

7. The corporation of the said city may, with the consent of the ratepayers entitled to vote on money by-laws, issue "City of Toronto general consolidated loan debentures" to such amount as may be necessary to raise a sum not exceeding \$300,000 for the purpose of carrying out the terms of a certain proposed agreement between the corporation of the city of Toronto and Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company in reference to the Toronto Esplanade and water front.

Entertainment of the National Educational Association.

8. The corporation of the said city may include in their estimates for the current year, (1891), a sum not exceeding \$5,000 to be applied towards the expenses incurred or to be incurred by the Toronto executive committee of the National Educational Association in connection with the coming meeting of the said association in the city of Toronto.

Division of the city into 6 wards.

9. Upon and from the date of the next municipal elections, and for the purposes thereof, the present division of the city of Toronto into wards shall be abolished, and the municipal council of the said city shall thereafter consist of the mayor, to be chosen annually as at present, and twenty-four aldermen, four of whom shall be elected in the manner at present provided by law by the municipal electors entitled to vote in each of the six wards into which the city shall be in the meantime divided under the provisions of *The Municipal Act*, and which shall run from the water front to the northern city limit, and the said aldermen shall hold office for a term of one year.

Election of school trustees.

10. (1) Notwithstanding the provisions of *The Public Schools Act (1891)*, all the members of the Toronto Public School Board shall retire from office at the time appointed for the next annual school election when a new board shall be elected, the old board retaining office only until their successors shall have been duly elected and the new board organised.

(2) For every ward into which the city of Toronto is divided by section 9 of this Act there shall be four school trustees, two of whom after the next annual school election shall continue in office for two years and until their successors have been elected and the new board organised.

(3) Two of the trustees in each ward (to be determined by lot at the first meeting of the board after the next annual school election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election and the other two shall continue in office one year longer and then retire after which two trustees shall be elected annually for each ward.

(4) In pursuance of the resolution of the present board and the notice by them given to the city clerk the election of the new trustees as aforesaid shall be held by ballot on the same day

day as the municipal aldermen are elected at the next annual election thereof, under the provisions of section 103 of the *Public Schools Act, 1891*, and sub-sections thereof.

11. The said corporation may transfer to the credit of the general construction account of the water works department of the said city any surplus moneys remaining on hand of the sum of \$577,587 authorized by a vote by the ratepayers entitled to vote on money by-laws to be raised for certain specific purposes, as set forth in the recital to by-law 2310 of the said corporation, printed (in part) as schedule "B" hereto.

Transfer of surplus moneys to water works account.

12. By-law number 2577 of the said corporation, printed as schedule "C" hereto, is hereby confirmed, and the said corporation is declared to have had power to pass the same.

By-law 2577 confirmed.

13. Section 52 of *The Assessment Act* is amended, so far as the same relates to the city of Toronto, by substituting for the words "for taking the assessment between the first day of July and the 30th day of September," in the sixth and seventh lines of the said section, the words "for taking the assessment before the 30th day of September."

Rev. Stat. c. 193, s. 52, amended.

14. All by-laws heretofore passed by the council of the city of Toronto for borrowing money on the general credit of the city, to provide for the payment of the city's share of local improvements and works, for borrowing money for the issue of debentures secured by special assessments upon the property of the Toronto Street Railway Company, to provide for the payment of the cost of the said company's share of local improvements and works, and for borrowing money for the issue of debentures secured by special assessment on the real property benefited by such improvements and works, and all special assessments made and all debentures issued or to be issued thereunder are hereby validated and confirmed.

Certain by-laws confirmed.

## SCHEDULE "A."

### (Section 1.)

This agreement, made the 23rd day of July A.D. 1890. Between the corporation of the city of Toronto, hereinafter called "the city," of the one part, and the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company, hereinafter called "the company," of the other part,

Witnesseth that the parties hereto do hereby mutually covenant and agree the one with the other as follows:—

1. The city shall acquire in fee simple the lands required by them for the Don improvement, including the strip of land to be leased as herein-after provided, and the company agrees not to interfere with that title by expropriation

expropriation of the said strip, or of any other portion of the said property acquired or to be acquired by the city as aforesaid, under the Ontario Act, 49th Victoria, chapter 66, or the Acts amending the same. Provided, and it is hereby agreed, that the city and the company shall co-operate in obtaining any legislation which either party may consider necessary to remove any doubt as to the validity of this agreement; and in the event of such legislation being refused and the validity of this agreement being successfully impugned, the rights of the company (if any) in regard to expropriation shall remain as if this agreement had not been made.

2. The city shall lease or otherwise assure to the company in perpetuity the use of a strip of land twenty-six feet wide, on which two tracks are to be constructed for running purposes only along the Don improvement and south-west thereof, the location of said strip being hereinafter more particularly described; such use to be as full as the business of the company for running purposes only may require—at an annual compensation, the amount and terms of which are to be fixed at intervals of fifty years each by arbitration in manner hereinafter described.

3. The company shall have at all times the working, control and management of the said two running tracks and the arrangement of the time tables, reserving the right to any other railway company or companies using the tracks (if dissatisfied with the time tables arranged by the company), to apply to the Railway Committee of the Privy Council for a readjustment of such time tables; and such Railway Committee shall have power to readjust the same, but the tracks (in so far as they can be used without interfering with the actual requirements of the business of the company for running purposes), may be used (for running purposes only) by other railways to be nominated by the city upon payment of such periodical compensation to the company, and upon such other terms as shall be determined by the Railway Committee of the Privy Council, such terms to be fixed by the said committee, having regard, amongst other things, to the amount contributed by the company towards the construction of overhead bridges and other improvements, and to the compensation annually paid by the company, and to the proportion of the use of the tracks given to such other companies, and to the expenses of maintenance, repairs, *et cetera*. The advantage of being the senior road (as is usual in railway agreements for joint user) shall be in all cases retained by the company.

4. If the use of the tracks by any other railway company or companies so nominated by the city is objected to by the company, the dispute shall be referred to the said Railway Committee, and on the hearing of the matter the company shall not be allowed to object on any grounds except some one or more of the following grounds:

(a) That the capacity of the said two tracks is not sufficient to justify their proposed user by such other company or companies.

(b) That the business of the railway asking admission is of an objectionable nature; but a railway running suburban trains at intervals of not less than thirty minutes shall not be considered objectionable solely on account of the frequency of such trains.

(c) That in the event of the user of either of the said tracks being asked for by the Grand Trunk Railway Company, then the Canadian Pacific Railway Company may object that it should not be granted unless reciprocal rights be given to the Canadian Pacific Railway over their Toronto tracks.

Nothing herein contained shall be taken as an approval by the city of any of such objections.

5. The location of the said strip and two running tracks shall in the first instance be as follows, that is to say:

Commencing at the face of the south abutment of the company's bridge over the River Don, at or near the south line of Winchester street produced; thence southerly along the west side of the Don improvement next west of the twenty-three feet roadway adjoining the new channel to



a point at or near King street and where the company's railway lines deflect on a curve to the south-west ; thence along such curve, continuing at the same width over city property, to the north side of Eastern avenue, near Cypress street, excepting therefrom that portion crossing the road allowance on the Don improvement to the south of King street, the whole as more particularly shown on signed plan hereto attached. But this location may, from time to time, be re-adjusted and changed as the needs of business may demand ; and if the company and the city do not agree as to such re-adjustment, the matter shall be referred to and decided by the Railway Committee of the Privy Council, and upon such re-adjustment the rights of the parties as to the strip of land in the new location and the tracks thereon shall be the same as if it were the location described in the original lease.

6. Nothing in this agreement shall affect any of the obligations of the company under section 187 of *The Railway Act*, or the position of the city in regard to the proposed expropriation by the company of certain lots on the water front of Toronto ; nor in case the city shall at any time apply for legislation to have railway approaches placed under the control of an independent trust, as recommended by paragraph 15 of the Joint Esplanade Committee's report to the municipal council of the city, dated 24th December, 1889, shall the fact of the making of this agreement be used by either party against the other in reference to any such application for legislation.

(a) Subject to the requirements of section 192 of *The Railway Act*, overhead bridges or trestles or other structures for the handling of traffic and for loading or unloading freight from vessels or for passenger traffic, may be erected upon and across the said Don improvement and the tracks thereon at any point, and any difference or dispute in relation thereto shall be determined by the Railway Committee of the Privy Council.

7. The company shall dredge the channel on the north side of the River Don to a line with the north abutment of its bridge so far as it has not already been done.

8. The company shall pay the cost of raising the roadway on the west side of the Don, from the south abutment of its bridge until the grade comes down to the level of the caps of the city's piling

9. The company shall pay the costs of the additional cribbing necessary to sustain this increased embankment, and shall maintain such additional cribbing in perpetuity.

10. The company shall permit the city contractors to cross its tracks at any point for the purpose of their contract.

11. The company shall provide gates and watchmen at King street and Eastern avenue crossings, and also at the level crossings of the highway running along the west side of the said switching and siding tracks.

12. The company shall within two years from the date of the agreement erect and maintain in perpetuity a passenger station on their own land at or near the crossing of the line of King street by the said two running tracks.

13. The company shall arrange with the city's contractors so as to avoid any claim for damages on their part against the city by reason of the company's tracks being laid on the Don improvement before the works now under contract are completed, and to the extent of its power the city will aid the company in avoiding liability for any such damages.

(a) The other matters mentioned in the memorandum attached to Mr. Sproatt's letter of December 24th, 1888, to Mr. Van Horne, a copy of which is attached hereto, are not affected by anything contained in this agreement.

(b) In case the city at any time decides to construct a high level bridge at Winchester street, the company will not oppose the construction thereof ; and all questions as to the liability of the company to

to contribute toward the construction thereof, and as to the extent, (if any) of such contribution, shall be decided by the Railway Committee of the Privy Council.

14. Until arrangements have been made for the construction of a high level bridge at King street crossing, the company shall protect the level crossing there with gates and watchmen as above mentioned, and to avoid the dangers incident to a level crossing of King street by said tracks the Company agrees not to oppose the construction by the city of a high level bridge across the Don improvement at this point such bridge to be constructed by the city, and the company will contribute towards the cost and expenses incident to the construction and maintenance thereof, including damages to any property which may be injuriously affected thereby, in such proportion as the Railway Committee of the Privy Council may determine, and both parties hereto agree to be bound by the decision of the said committee.

15. The public shall have the right to cross all tracks at grade on the improvement at Winchester street and Eastern avenue, and at eight points between Winchester street bridge and Eastern avenue, such points to be designated by the city council, and the crossings shall be at least 66 feet wide, but after an overhead bridge at Queen street crossing shall have been constructed and opened for traffic, the tracks shall not be crossed at the level at that point.

16. The company shall keep across the said strip all such grade crossings as are above mentioned, paved or planked as provided by section 4 of the Act, 28 Victoria, Chapter 34, respecting the Toronto esplanade, and the provisions of *The Railway Act* as to level highway crossings shall also apply to the said crossings.

(a) In the case of the construction in the future of elevated tracks running from a westerly or southerly direction into grade at any point on the said strip hereinbefore described at or south of the King street crossing, there shall be, in respect of the residue of the said strip (that is to say the part of it lying south of that point) an abatement to the company of a due portion of the said rent; the amount of such abatement (if dispute arise concerning it) to be finally decided by the Railway Committee of the Privy Council, as well as all questions of compensation to the company in respect of the disturbance of tracks thereon, or other matters relating to the said residue; provided that in any such case the company shall not be entitled to any compensation on the ground that the use of the residue of the said strip would be worth during the unexpired portion of the term any higher rent than the proportion of rent so to be abated.

17. Every matter of difference between the parties hereto, and which by the terms hereof is to be settled by arbitration, shall be settled as follows: Each party shall appoint an arbitrator, and the two so appointed shall hear and finally determine such matters or difference, making their award in writing; but if they disagree, then it shall be finally determined by the person who, for the time being, fills the office of judge of the Exchequer Court of Canada as umpire, and who shall, as an umpire, make his award in writing, the award in either case to be final and conclusive.

18. In case after seven clear days notice, either of the said parties fails to select an arbitrator, the other party may apply to a judge of the High Court of Justice for Ontario for such appointment, and any arbitrator so appointed shall have the same powers as if he had been selected by the said party failing to appoint as aforesaid, and the award above mentioned shall in every case be made by the two arbitrators within three months from the appointment of the second arbitrator, otherwise it shall be held that the two arbitrators have disagreed.

19. Upon the execution of this agreement by both parties, immediate possession of the said strip shall be given to the company, and the annual compensation to be paid by the company to the city shall be payable from the date on which possession is to be given to the company, and  
such

such annual compensation shall be to all intents and purposes "annual rent" within the meaning of section 143 of *The Railway Act*;" and shall be a preferred claim accordingly, but such possession shall be given by the city and taken by the company, so as to form no grounds for any claim on account of it by the contractors against the city, and if the company take possession so as to form ground for any such claim, then the company shall bear all the consequences.

20. Any other company desiring to cross the running tracks of the Canadian Pacific Railway in order to obtain access to the switching and unloading tracks to be laid down upon the Don improvement, shall be entitled to do so at such points, and upon such terms as may, from time to time, be determined by the Railway Committee of the Privy Council.

In witness whereof, the said city has hereunto caused to be affixed its corporate seal and the hands of its mayor and treasurer, and the said the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company, each its corporate seal and the hands of its president and secretary.

{  
L.S.  
}

(Sgd) E. F. CLARKE,  
*Mayor.*

(Sgd) R. T. COADY,  
*City Treasurer.*

{  
L.S.  
}

(Sgd) W. C. VAN HORNE,  
*President the Canadian Pacific Railway Company.*

(Sgd) C. DRINKWATER,  
*Secretary the Canadian Pacific Railway Company*

{  
L.S.  
}

(Sgd) ED. B. OSLER,  
*President the Ontario and Quebec Railway Company.*

(Sgd) C. DRINKWATER,  
*Secretary the Ontario and Quebec Railway Company.*

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#### *Supplementary Agreement*

#### AS TO THE USE OF THE SWITCHING AND SIDING TRACKS ON THE DON IMPROVEMENT.

This Agreement made the 23rd day of July, A. D. 1890, between the Corporation of the City of Toronto (hereinafter called the City), of the one part, and the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company (hereinafter called the Company), of the other part.

Witnesseth that the parties hereto do hereby mutually covenant and agree the one with the other, as follows:

1. The city may lay down, maintain and operate such tracks, switches and other works as may be necessary for switching, loading and unloading purposes on the improvement, other than the strip to be used by the company under an agreement of even date herewith, and may make agreements with any railway company or companies for the use thereof, provided always that no one railway shall have any right of property in or control over the same or any part thereof, and all railways shall be entitled to the use thereof upon equal terms and upon each paying its just proportion of the expenses represented by the cost of construction, maintenance and repairs of tracks, switches, sidings and other necessary works required



required for the proper use thereof and the cost of supervision. Until such time as more than one railway commences to use the tracks on the improvement upon the terms above mentioned, the city shall accept as compensation from any single company an amount equivalent to five per cent. per annum upon one-half the cost of material used in and the expense of laying the said tracks, sidings, switches and other necessary works, provided that the maintenance and operation of the said tracks and all expenses thereof shall be assumed by the said company. Said yard tracks, sidings and switches to be under the control of a yard master to be nominated by the company or companies using the yard, but appointed by, and in the employ of the city, and to be removable on the demand of the said company or companies. The said yardman, though paid by the city shall be considered for all purposes as an employe of the said company or companies, and the city shall not be liable for any accident caused by any act or default of the said yardman.

2. The company shall have no claim against the city for damage arising from defective construction, maintenance and repair of the Don improvement, or by reason of any negligence on the part of the company or companies using the said yard, tracks, sidings or switches, or the running tracks mentioned in an agreement between said parties bearing even date herewith, or of any servant or employe of any said company, including the said yardman, and the company shall indemnify the city against all damage by reason of any negligence on the part of the said yardman.

In witness whereof the said city has hereunto caused to be affixed its corporate seal and the hands of its mayor and treasurer, and the said the Canadian Pacific Railway Company and the Ontario and Quebec Railway Company, each its corporate seal and the hands of its President and Secretary.

WITNESS :

{  
L.S.  
}

(Sgd.) E. F. CLARKE,  
*Mayor, City of Toronto.*

(Sgd.) R. T. COADY,  
*City Treasurer.*

{  
L.S.  
}

(Sgd.) W. C. VAN HORNE,  
*President, the Canadian Pacific Railway Company.*

(Sgd.) C. DRINKWATER,  
*Secretary, the Canadian Pacific Railway Company.*

{  
L.S.  
}

(Sgd.) E. B. OSLER,  
*President, the Quebec & Ontario Railway Company.*

(Sgd.) C. DRINKWATER,  
*Secretary, the Quebec & Ontario Railway Company.*

#### APPENDIX A.

*Letter from Mr. Spróatt to Mr. Van Horne, referred to in paragraph 13 (a) of the above Agreement.*

TORONTO, December 24th, 1888.

*W. C. Van Horne, Esq., President C. P. R. Co., Montreal;*

DEAR SIR,—I enclose you memo. of matters to be arranged and agreed to by and between the corporation of the city of Toronto and the directors of the C. P. R. Co. in connection with the laying down of their tracks on the lands to be used for railway purposes, said lands being situate in the

the Don Valley on the line of the Don improvements. All these questions were discussed at a meeting held on the 21st instant at the mayor's Office, and a few of them were decided, said decisions being recorded in each case under the item. Will you please give the memo. your consideration and let us hear from you at your earliest convenience on the points which were left unadjusted at the meeting of the 31st.

Yours truly,

C. SPROATT,  
*City Engineer.*

### Re DON IMPROVEMENTS.

#### *Memo. of Matters to be Arranged with the C. P. R.*

#### 1. "As to the diversion of Winchester street—

(a). "The company should purchase all the land required for the new or diverted roadway."

(b). "Grade, macadamize and fence the new road, indemnify the city against all claims for damages occasioned by the diversion of Winchester Street, or by closing up part thereof north of present bridge, or by narrowing streets by means of new railway bridge."

(c). "Pay one-half of the cost of new bridge." (See Report No. 26 of the Committee on Works adopted November 26, 1888.)

(d). "Dredge channel on north side of river to a line with the north abutment of Canadian Pacific Railway bridge." (All the foregoing agreed to.)

#### 2. "As to Don improvement proper, company should—

(a). "Pay cost of raising the roadway on the west side of Don from south abutment of Canadian Pacific Railway bridge, say 900 feet, till the grade comes down to the level of the caps of our piling. (Agreed to.)

(b). "Pay cost of cribbing necessary to sustain embankment." (Agreed to.)

(c). "Pay all extra expenses occasioned to the city by reason of the raising of the embankment as proposed." (It was stated by the Canadian Pacific Railway that this portion of the work would be completed by them, consequently no damages could be claimed.)

(d). "Pay the cost of erecting temporary bridge over unfilled channel of old river, bridge to be the property of the city." (Agreed to.)

(e). "Indemnify the city against all claims for damages occasioned by the Canadian Pacific Railway track crossing roadway on west side of Don improvement, between King street and Eastern avenue." (Unadjusted.)

(f). "Pay all costs, damages and expenses which may be incurred by the city in consequence of allowing the Canadian Pacific Railway to occupy or use any portion of the railway reservation before the works now under contract are completed." (Mr. Van Horne will arrange with the contractors and will relieve the city from any liability in *re* same.)

(g). "Agree that city's contractors may cross track at any point for the purpose of their contract." (Canadian Pacific Railway will agree with contractors and fix points)

3.—(a). "Provision should be made for protecting the proposed level crossings at King street, Eastern avenue, Front street, Olive street, Tate street, Water street, Cherry street, Trinity street, Mill street and Parliament street."

(b). "Canadian Pacific Railway to indemnify city against all claims for damages by reason of high-level crossings at King street and Eastern avenue."

avenue." (Left unadjusted.) "These are the matters which immediately strike one, but further consideration may suggest others."

P. S.—"The Canadian Pacific Railway Company to pay for the right of way over the entire improvement."

N. B.—"All matters to be settled by arbitration."

(Sgd.) W. C. V. H.,  
C. D.,  
E. B. O.,  
R. T. C.,  
E. F. C.

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## SCHEDULE B.

(Section 11.)

No. 2310. A by-law to provide for the issue of "general consolidated loan  $3\frac{1}{2}$  per cent. debentures" to the amount \$577,587 for certain permanent improvements by way of additions and increases in the Toronto water works.

Whereas . . . it is expedient and necessary to raise by loan on the credit of the said city the sum of \$577,587 for the purpose of effecting certain permanent improvements in said city, being in the nature of additions to and increases in the water works service of the said city, together with interest thereon at the rate of three and one-half per cent. per annum for forty years; and whereas the cost of the said improvements (\$577,587) is made up as follows: (1) The approximate cost of a new four-foot conduit pipe with cast-iron tank and connections with a six-foot wooden conduit pipe on the Island, \$284,337. (2) The approximate cost of the extension of a thirty-six inch pumping main from engine house connecting with the twenty-four inch main on Frontstreet and the thirty-inch main on Wellington street, \$25,000. (3) Twelve-inch distributing mains on Queen street, Yonge street, College street, Gerrard street, Eastern avenue, Leslie street, Broadview avenue, Dupont street, Jarvis street and Adelaide street, \$166,250. (4) Two two-million gallon engines, enlarging engine house, and other works at High Level pumping station, \$102,000. Total, \$577,587; and whereas it will require the sum of \$20,215.55 to be raised annually for a period of forty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$4,331.90 to be raised annually during the same period for the forming of a sinking fund of three-fourths of one per centum per annum for the payment of the debt created by this by-law, according to the provisions of the above recited Act, making in all the sum of \$24,547.45 to be raised annually as aforesaid; and whereas it is necessary that such annual sum of \$24,547.45 shall be raised and levied in each year during the said period of forty years by a special rate sufficient therefor on all the ratable property in the municipality of the city of Toronto.

Therefore, etc.



## SCHEDULE C.

(See Section 12.)

No. 2577.—A by-law to confirm certain assessments made for improvements, works and services to be paid for by local assessments on the property immediately benefited thereby.

[Passed April 14th, 1890.]

Whereas it is provided by *The Municipal Act* that the council of every city may pass by-laws for providing the means of ascertaining and determining what real property would be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed on the real property benefited thereby, and of ascertaining and determining the proportion in which the assessments are to be made on the various portions of real property so benefited; and whereas on the eighth day of December, 1884, by-law No. 1522, being a by-law respecting local improvements and special assessments therefor, was passed by this council; and whereas various improvements, works and services have been recommended by the city engineer, approved of by the committee on works, and adopted by the council, all of which have been submitted to the Court of Revision, and duly confirmed by that court, and by the county judge in cases where there has been an appeal therefrom; and whereas the provisions of said by-law 1522, relating to said works, improvements and services, may not have been strictly complied with in all respects; and whereas it is desirable to confirm the said assessments, notwithstanding any failure to comply with all the conditions of said by-law 1522;

Therefore the municipal council of the corporation of the city of Toronto enacts as follows:

I. That the improvements, works and services recommended by the city engineer since the 8th day of December, 1884, the cost of which improvements, works or services was recommended to be assessed against the real property to be benefited thereby, and which recommendations were approved of by the committee on works, and adopted by the council, and were submitted to the Court of Revision and duly confirmed by said court, and by the county judge in cases where there has been an appeal from said court, and all assessments therefor are hereby validated and confirmed, notwithstanding that the provisions of by-law 1522 respecting the same may not have been strictly complied with in regard thereto.

## CHAPTER 83.

An Act to change the name of the town of West Toronto Junction and for other purposes.

[Assented to 4th May, 1891.]

**W**HEREAS the corporation of the town of West Toronto Preamble.  
Junction have by their petition prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name changed  
to Toronto  
Junction

1. The name of the corporation of the said town of West Toronto Junction is hereby changed from that of the town of West Toronto Junction to that of the town of Toronto Junction, and the name of the said town is hereby declared to be "The Corporation of the town of Toronto Junction."

By-laws, etc  
not to be  
affected.

2. Nothing in this Act contained shall in any way affect the validity of any by-law of the said corporation of the town of West Toronto Junction or of any debts, debentures or other obligations of the said corporation, and all rights, powers, debts, duties and obligations of the said corporation of the town of West Toronto Junction shall be vested in, assumed by and be and remain the rights, powers, debts, duties and obligations of the said corporation of the town of Toronto Junction.

Opening and  
extension of  
certain  
streets.

3. It shall be lawful for the said corporation to expend a portion of the money raised by the issue of debentures under the provisions of the Act, passed in the 53rd year of Her Majesty's reign chaptered 110, in the opening up and extending easterly of Vine avenue from Keele street to Union street in said town, and in the opening up and extending of any street advisable in the opinion of the council for giving access to property injuriously affected by the construction of the works under by-law number 110, and may purchase from the owners or expropriate the lands required therefor, and any arbitration as to the value of said lands shall be according to the provisions of the said Act.

53 V. c. 110,  
ss. 4, 5 and 6  
amended.

4. Section 5 of the said Act, passed in the 53rd year of Her Majesty's reign, chaptered 110, is amended by inserting after the word "provisions" in the first line of said section 5 the words "of sections 385 to 404 inclusive of *The Municipal Act* and;" and section 4 of the said Act is amended by inserting after the word "works" in the third line thereof the words "or of any other works of the corporation," and by inserting after the word "thereby" in said third line, "or by the exercise by the corporation of any of its powers;" and section 6 of the said Act is hereby amended by adding to the said section the following words: "Provided always that nothing in this section contained shall be construed so as to take away or in any way abridge the powers of the said corporation under *The Municipal Act* to carry on any corporation work before any arbitration shall have taken place in reference to claims for compensation or damages arising out of said work."

By-laws  
87 and 139  
confirmed.

5. By-law number 87 of the said corporation passed on the 9th day of July, 1889, and entitled "A by-law to raise by way of loan the sum of \$35,000 for public school purposes," a copy of which is set forth in schedule "A" hereto, and by-law number 139 of the said corporation, passed on the ninth day of June, 1890, and entitled "A by-law to raise, by way of loan, \$25,000 for public school purposes," a copy of which is set forth

forth in schedule "B" hereto, and the debentures issued in accordance therewith respectively are hereby declared to be valid and binding upon the corporation.

6. The said corporation may pass one or more by-laws authorizing the issue of debentures for a sum not exceeding \$75,000 in the whole, for the completion of the works under by-law number 110 of said corporation, payable at such time or times as the corporation may think proper, not exceeding forty years from the date of the respective by-laws, and it shall not be necessary to submit such by-laws for the approval of the ratepayers.

Issue of debentures to complete certain works.

7. No irregularity in the form of the said debentures authorized to be issued under this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Informalities not to invalidate debentures.

## SCHEDULE "A."

(Section 5).

### BY-LAW No. 87.

To raise by way of loan the sum of \$35,000 for public school purposes.

Whereas by requisition of the West Toronto Junction public school board, said board require the issue of debentures to the amount of \$35,000 for the following purposes, that is to say :—

For building new school house.....	\$16,600
For addition to school house on Annette street.....	13,600
For purchase of two new school sites.....	4,800
	<hr/>
	\$35,000

And whereas said board represent a union school section comprising school sections numbers thirteen and twenty-two in the county of York, part of each of which is in the town of West Toronto Junction, and part in the township of York, said section number thirteen comprises and consists of lot number thirty-five and all of those portions of lots numbers twenty-nine to thirty-four, inclusive, and all that part of the westerly half of lot number twenty-eight, in the second concession from the bay, lying north of the Credit Valley division of the Canadian Pacific railway, also the south halves of lots numbers twenty-nine to thirty-three, inclusive, also the westerly half of the southerly half of lot number twenty-eight, also lots number thirty-four, thirty-six, thirty-seven and thirty-eight, the southerly five-sixths of lot number thirty-five and the easterly quarters of lots numbers thirty-nine and forty in the third concession from the bay, and said section number twenty-two comprises and consists of lots numbers thirty-eight to forty-one, inclusive, in the first concession from the bay, and lots number thirty-six to forty, inclusive, in the second concession from the bay.

And whereas it is desirable that the principal of said debt should be repayable by annual instalments for twenty years with interest thereon annually at the rate of five per centum per annum, such instalments to be so arranged that the aggregate amount of principal and interest payable



able in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years during the term.

And whereas the total amount required to be raised annually by special rates sufficient therefor on all the taxable property of the school section for paying the said debt and interest, will be the sum of two thousand eight hundred and eight dollars and forty-nine cents.

And whereas the amount of the whole ratable property of the corporation of the town of West Toronto Junction according to the last revised assessment roll being for the year 1889 is the sum of \$2,683,204 for real property and \$2,708,704 for real and personal property.

And whereas the amount of the whole ratable property in that portion of said sections lying in the township of York, according to the last revised assessment roll liable to be assessed for public school purposes is \$230,900 for section number twenty-two and \$522,375 for section thirteen.

And whereas the whole debenture debt of the said municipality amounts to \$75,000 for water works debentures payable in thirty years from September last with interest at five per centum per annum and \$25,000 for waterworks debentures under by-law number 84 with interest at five per cent. per annum and no principal or interest is in arrear.

And whereas the whole debenture debt of the said school section is as follows : \$6,620 for section number twenty-two and \$650 for section number thirteen, and no principal or interest is in arrear.

Be it therefore enacted by the corporation of the town of West Toronto Junction as follows :—

1st. That the mayor may borrow on the credit of the corporation of the town of West Toronto Junction a sum of money not exceeding in the whole the sum of thirty-five thousand dollars for the following public school purposes, namely :—

For building new school house.....	\$16,600
For additions to school house on Annette street.....	13,600
For purchase of two new school sites.....	4,800

\$35,000

and may issue debentures of the corporation to that amount, which shall be in sums of not less than one hundred dollars each, and payable within twenty years from the date hereof, at the Molsons Bank, West Toronto Junction, with interest at the rate of five per centum per annum, as follows, that is to say :—the said principal sum in twenty annual instalments, and the interest at the rate aforesaid, annually during the currency of the debentures, the aggregate amount of such annual instalments of principal and annual payments of interest to be the sum of \$2,808.49 in each year.

2nd. The said debentures shall be under the corporate seal of the said municipality, and shall be signed by the mayor and treasurer thereof, and shall have attached to them coupons for the payment of interest.

3rd. For the purpose of paying the said sum of thirty-five thousand dollars, and to cover the interest thereon, as aforesaid, there shall be levied the sum of \$2,808.49 by a special rate, over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole taxable property in the school sections aforesaid, in each year for said period of twenty years during the currency of said debentures.

4th. That by-law No. 82 be, and the same is hereby repealed.

In witness whereof the corporate seal of the municipality hath been hereunto affixed, and the mayor and clerk thereof, have hereunto set their hands this ninth day of July, A.D. 1889.



ROBERT J. LEIGH,  
Clerk.

(Sgd.) D. W. CLENDENAN,  
Mayor.

SCHEDULE

## SCHEDULE "B."

(Section 5).

## BY-LAW No. 139.

To raise by way of loan the sum of \$25,000 for public school purposes.

Whereas by requisition of the West Toronto Junction Public School Board said board require the issue of debentures to the amount of \$25,000 for the following purposes, that is to say :—

For building new school house on Dufferin street.....	\$6,000
For building new school house at Windermere.....	6,000
For purchase of school site in south-east part of the town	5,000
For paying off mortgage on Carlton school.....	2,000
For addition to Annette street school.....	6,000

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\$25,000

And whereas the said board represent a union school section, comprising school sections numbers thirteen and twenty-two, in the township of York, part of each of which is in the town of West Toronto Junction and part in the township of York. Said section number thirteen comprises and consists of lot number thirty-five and all of those portions of lots numbers twenty-nine to thirty-four inclusive and all that part of the westerly half of lot number twenty-eight in the second concession from the bay lying north of the Credit Valley division of the Canadian Pacific railway, also the south halves of lots numbers twenty-nine to thirty-three inclusive, also the westerly half of the southerly half of lot number twenty-eight, also lots numbers thirty-four, thirty-six, thirty-seven and thirty-eight, the southerly five-sixths of lot number thirty-five and the easterly quarters of lots numbers thirty-nine and forty in the third concession from the bay and said section number twenty-two comprises and consists of lots numbers thirty-eight to forty-one inclusive in the first concession from the bay and lots numbers thirty-six to forty inclusive in the second concession from the bay.

And whereas it is desirable that the principal of said debt should be repayable by annual instalments for twenty years, with interest thereon annually at the rate of five per centum per annum, such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years during said term.

And whereas the total amount required to be raised annually by special rate sufficient therefor on all the taxable property of the school section for paying the said debt and interest will be the sum of \$2,006.06.

And whereas the amount of the whole ratable property of the corporation of the town of West Toronto Junction according to the last revised assessment roll, being for the year 1889, is the sum of \$2,683,204 for real property, and \$2,708,704 for real and personal property.

And whereas the amount of the whole ratable property in that portion of said sections lying in the township of York according to the last revised assessment roll liable to be assessed for public school purposes is \$230,900 for section number twenty-two, and \$522,375 for section thirteen.

And whereas the whole debenture debt of the said municipality of West Toronto Junction amounts to \$287,871 20, on which no principal or interest is in arrear, also \$35,000 public school debentures extending over said union school section on which no principal or interest is in arrear.

And whereas the whole debenture debt of the said school sections twenty-two and thirteen is as follows :—\$6,620 for section number twenty-two, and \$650 for section number thirteen, and no principal or interest is in arrear.

Be it therefore enacted by the council and corporation of the town of West Toronto Junction as follows :—

1.

1. That the mayor may borrow on the credit of the corporation of the town of West Toronto Junction a sum of money not exceeding in the whole the sum of \$25,000 for the following public school purposes, namely :—

For building new school house on Dufferin street.....	\$6,000
For building new school house at Windermere.....	6,000
For purchase of school site in south-east part of the town	5,000
For paying off mortgage on Carlton school .....	2,000
For addition to Annette street school.....	6,000

\$25,000

And may issue debentures of the corporation to that amount, which shall be in sums of not less than \$100 each, and payable within twenty years from the date hereof, at the treasurer's office, West Toronto Junction, with interest at the rate of five per centum per annum as follows, that is say :—

1. The said principal sum in twenty annual instalments and the interest at the rate aforesaid annually during the currency of the debentures, the aggregate amount of such annual instalments of principal and annual payments of interest to be the sum of \$2,006.06 in each year.

2. The said debentures shall be under the corporate seal of the said municipality, and shall be signed by the mayor and treasurer thereof, and shall have attached to them coupons for the payment of interest.

3. For the purpose of paying the said sum of \$25,000 and to cover the interest thereon as aforesaid there shall be levied the sum of \$2,006.06 by a special rate over and above all other rates in the same manner and at the same time as taxes are levied upon the whole taxable property in the school sections aforesaid in each year for said period of twenty years during the currency of the said debentures.

In witness whereof the corporate seal hath been hereunto affixed, and the mayor and clerk have hereunto set their hands this 9th day of June, A.D. 1890.

{ Corporate  
Seal. }

(Sgd.) ROBERT J. LEIGH,  
*Clerk.*

(Sgd.) GEORGE J. ST. LEGER,  
*Mayor.*

## CHAPTER 84.

### An Act respecting the Water-Works of the Town of Woodstock.

*[Assented to 4th May, 1891.]*

Preamble.

WHEREAS the municipal corporation of the town of Woodstock passed, on the 13th day of October, 1890, two by-laws of the said corporation, numbered 720 and 721, which are set forth in full in Schedules "A" and "B" respectively to this Act, respecting the construction and extending of water works for the said town, and the said corporation has, by its petition, prayed that an Act may be passed to confirm the said by-laws and for other purposes in the said petition named; and whereas on the 18th day of January, 1886, the



the corporation purchased a system of water works erected for fire protection, paying therefor the sum of \$25,150.10, issuing debentures for that amount; and whereas the corporation have since made extensions, under by-laws approved by His Honour the Lieutenant-Governor in Council, to the extent of \$7,445.90, issuing debentures of the corporation for that amount; and whereas the corporation have also from time to time made certain other extensions and improvements to said works to the amount of \$18,278.76, for which no debentures were issued, but the amount has been paid out of the current taxation for the year in which said improvements were made, making the total expenditure for construction of the present system \$51,233.78; and whereas during the next ten years a large proportion of the debenture debt contracted for the promotion of railways and manufactures becomes due and payment thereof will relieve the municipality of over \$17,500 yearly for interest and sinking fund, an amount equal to one-third of the entire taxation of the said municipality; and whereas in accordance with *The Municipal Water Works Act* all connections from the mains to the lands of private consumers have to be supplied by the corporation, thus making a large outlay and limiting the amount of revenue from the water department for the first few years; and whereas by an Act of the Legislature of Ontario passed in the 47th year of Her Majesty's reign, intituled "An Act to consolidate the debt of the town of Woodstock," the said corporation were empowered to issue debentures of the said town for the sum of \$7,000 in each of the years from and including the year 1884, to and including the year 1893; and whereas the said corporation by inadvertence omitted to issue the debentures for \$7,000 for the year 1888 or to raise the rate therefor, and it is expedient to allow the said corporation to issue such debentures for such amount in the year 1894, and to raise the necessary rate for the payment of the same, and also to reduce the rate of interest on all of such debentures as yet remain to be issued under such Act and this Act for the years 1891, 1892, 1893 and 1894; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said two by-laws numbered 720 and 721 respectively and set forth in the said Schedules "A" and "B" to this Act are hereby confirmed and declared valid and binding, and the said corporation is hereby authorized to acquire all the properties, execute all the works, operate the same, issue the debentures and levy the rates in the manner in the said by-laws provided for.

By-laws Nos.  
720 and 721  
confirmed.

2.—(1) It shall be lawful for the said corporation to issue debentures for the sum of \$7,000 for the year 1894 for the purposes

47 V. c. 61,  
s. 1, amended.

set forth in the said *Act to consolidate the debt of the town of Woodstock*, and section 1 thereof shall be read as if the words "ninety-three" in the fourth line from the beginning thereof had not been inserted therein and the words "ninety-four" had been inserted therein.

(2) The words "at a rate not exceeding six per centum per annum" are substituted for the words "at the rate of six per centum per annum" in the fourteenth line of the said section number 1.

Validity of  
debentures  
issued not to  
be affected.

(3) Nothing herein contained shall affect the validity of any debentures issued, by-laws passed, or rates established and levied or to be levied under the authority of the said *Act to consolidate the debt of the town of Woodstock*.

Time for first  
election of  
commission-  
ers.

3. Notwithstanding anything in *The Municipal Water Works Act* contained, the first election of water commissioners for the said town of Woodstock may be held at any time within six weeks after the passing of this Act.

## SCHEDULE A.

### (Section 1.)

By-law No. 720 of the municipal council of the municipal corporation of the town of Woodstock in the county of Oxford :

Whereas the said council has determined to construct, build, purchase, improve, extend, hold, maintain, manage and conduct water-works as hereinafter described for the purpose of supplying spring water for domestic consumption, for fire protection and for street and domestic watering within the said town under the provisions of *The Municipal Act*, and under and subject to the provisions of *The Municipal Water Works Act* and its amendments ; and whereas the said council has caused surveys and estimates of the lands, buildings, waters and privileges necessary to be acquired and held to enable the said corporation to carry out the purposes aforesaid to be made, and Thomas C. Keefer, Esquire, of the city of Ottawa civil engineer, employed by the council for such purpose has reported in writing to the council that the waters of certain springs in the township of West Oxford in such report called the Cormac and Thornton group are suitable for such purpose, and that the said waters can be conducted from the said springs to a point on Dundas street in the said town where Victoria street intersects it, at a cost of fifty-two thousand dollars, exclusive of the cost of land, water rights, right of way, or land rights, which last named cost will not exceed five thousand dollars, making the entire cost fifty-seven thousand dollars ; and whereas the said springs are situate on lots one and two in the third and fourth concessions of the township of west Oxford in the county of Oxford, and the pipe or main to conduct the said waters therefrom to the said point on Dundas street will run across a certain road between the townships of West Oxford and East Oxford, and across certain lands and roads in the second, third, fourth and fifth concessions of the township of East Oxford, and across the allowance for road between the first and second concessions of East Oxford and thence northerly along certain lands and streets in the said town to Dundas street aforesaid, the general course and location of which springs and mains are laid down on a plan thereof made by the said engineer filed with the clerk of this council and which is marked "A" and

and which is to be read as a part of this by-law ; and whereas the amount of the total real and personal property of the said town according to the last revised assessment roll is the sum of two millions four hundred and six thousand four hundred and eighty dollars, and the amount of the existing debenture debt of the said town is the sum of one hundred and seventy-one thousand seven hundred and fifty-seven dollars, no part of the principal or interest whereof is in arrears ; and whereas it has been determined to construct the said works and to expend for such purpose the sum of fifty-seven thousand dollars to be borrowed at the rate of four per cent. per annum payable yearly, the principal to be paid at the expiration of forty years next after this by-law shall take effect, and a sinking fund to pay the principal commencing ten years next after this by-law shall take effect and to be continued in each of the then next succeeding thirty years, and the yearly charge for the said interest will be the sum of two thousand two hundred and eighty dollars, and the yearly charge for the said sinking fund to commence in the year nineteen hundred and one will be the sum of ten hundred and seventeen dollars ; and it is desirable, subject to the assent of the electors and of the Legislature of the Province of Ontario, to construct the said works and to borrow and expend the said sum of fifty-seven thousand dollars in the manner and for the purposes aforesaid.

Therefore the municipal council of the said corporation of the town of Woodstock enacts as follows :—

1. It shall be lawful for this corporation to construct and maintain the said works and to hold and work the same under and subject to the provisions of the said Acts and their present or any future amendments and under and subject to any by-laws of this council lawfully to be passed relating thereto.

2. It shall be lawful for this corporation, their engineers, surveyors and workmen to enter into and upon the lands of any persons, bodies, politic or corporate, in the said town or within ten miles thereof and to survey, set out and ascertain the said lands where the said springs are situate and the lands over or through which the mains or pipes connecting the said waters with the said point on Dundas street will be located and the lands necessary for building the pumping house which is to be built and the lands on or over or through which water privileges are necessary to be acquired for the purpose aforesaid and to divert and appropriate any rivers, ponds of water, springs or streams of water thereon as any engineer, surveyor or other person authorized in that behalf by the corporation shall judge suitable and proper for the said purposes, and to contract with the owners or occupiers of the said lands and those having a right or interest in the said waters for the purchase or renting thereof or of any privilege that may be required for the purpose of the said water-works.

3. The springs to be acquired shall be the “group” hereinbefore named and the course of the said main or conduit pipe shall be on or as near to the red line on said plan, commencing at the said springs and running in a north-easterly direction to the point marked on said plan as “proposed site for pumping station” as the engineering facilities will permit and thence the course shall be northerly across the allowance for road between the first and second concessions of the township of East Oxford into the said town and thence northerly to Dundas street along the line marked on said plan as nearly as such engineering facilities will permit.

4. Power is hereby given to the mayor or other head of the corporation to do all acts and sign all necessary papers to enable the said corporation to arbitrate with any person or persons or bodies corporate respecting any purchase money, yearly rental or value or damages to be payable by the corporation in respect of the said lands and rights so to be acquired.

5. All the powers, rights and privileges given to or exercisable by municipal corporations under the said acts in respect of water-works may be exercised by the corporation in respect of the said works hereby authorized to be acquired, constructed and maintained as fully as if the said enactments had been set forth and enacted in detail herein.

6. When and so soon as this by-law shall take effect it shall be lawful for this corporation to acquire the said lands, springs, water-rights and other things necessary to complete the said water-works and also to com-

plete



plete the said works and for that purpose to expend thereon the said sum of fifty-seven thousand dollars or so much thereof as shall be necessary for that purpose.

7. For the purpose of paying for the said works it shall be lawful for said corporation to issue the debentures of this corporation for the sum of fifty-seven thousand dollars payable within forty years from the date this by-law shall take effect with interest yearly at four per cent. per annum and to raise each year for the payment of interest the sum of two thousand two hundred and eighty dollars in the years one thousand eight hundred, and ninety-one to and including the year one thousand and nine hundred and to raise in each year in the years one thousand nine hundred and one to and including the year one thousand nine hundred and thirty the sum of two thousand two hundred and eighty dollars for interest and the said sum of ten hundred and seventeen dollars for sinking fund, amounting in all in the said thirty last named years to the yearly charge of three thousand two hundred and ninety-seven dollars.

8. When and so soon as this by law shall take effect as hereinafter to be stated it shall be lawful for the said council from time to time to pass a by-law or by-laws not inconsistent herewith to set out, ascertain and acquire and appropriate the lands, rivers, ponds of water, springs or stream of water aforesaid by a fuller and more exact description and to do all the other acts and acquire all the other properties and rights in the premises they are entitled to under the said Acts without submitting such by-law or by-laws to the vote of the electors.

9. The said council, when this by-law shall take effect, shall by by-law provide for the issue of debentures of this corporation for the said sum of fifty-seven thousand dollars and interest as aforesaid payable at the times and in the manner aforesaid and shall sell the same and apply the proceeds to the cost of such construction and shall also thereby provide for the collection of the said interest and sinking fund yearly as hereinbefore stated by a rate on all the assessable property of this corporation and it shall not be necessary to submit the said by-law to the vote of the electors.

10. This By-law shall not take effect until it shall have been confirmed by an Act of the Legislature of the Province of Ontario and shall take effect when such Act shall be passed.

11. The mayor or other head of this corporation is authorized and required to take the necessary steps to procure this by-law to be confirmed.

12. The votes of the electors of the said municipality shall be taken on this by-law at the following times and places, that is to say on the first day of September next at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon. The places for taking the votes of the electors and the names of the deputy returning officers shall be as follows:—St. Andrew's Ward—(1) At Hayward's boarding-house, corner of Dundas and Winnutt streets; deputy returning officer, Mr. Hurst. (2) At Bain's waggon shops; deputy returning officer, James T. Bain. St. David's Ward—(1) At Mrs. Landy's shop, north of Dundas street and east of Victoria street; deputy returning officer, Mr. R. G. Sawtell. (2) At Thomas Love's house, north of Dundas street; deputy returning officer, Mr. Thomas Love. St. George's Ward—(1) At Watson's foundry; deputy returning officer, Mr. Watson. (2) At Gardner & Rose warehouse; deputy returning officer, Mr. Wm. Scarff. (3) At the express office; deputy returning officer, Mr. George A. Pyper. St. John's Ward—(1) Fire hall; deputy returning officer, Mr. Donald McAllan. (2) At Karn's piano factory; deputy returning officer, Mr. Frederick Richards. St. Patrick's Ward—(1) At Sigin's carriage factory, deputy returning officer, Mr. T. McBeath. (2) At Millman's office, east of Perry street; deputy returning officer, Mr. D. M. Perry. (3) At the council chamber; deputy returning officer, Mr. W. T. Wilkinson.

13. On the twenty-ninth day of August next the mayor of this corporation or other head of the corporation shall attend at the council chamber at the hour of two o'clock in the afternoon to appoint persons to attend at  
the

the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

14. The clerk of the said municipality shall attend at the said chambers on the third day of September, 1890, at eleven o'clock in the forenoon and sum up the number of votes given for and against the said by-law, and if the said by-law is carried by the requisite number of the votes of the said electors the same will be finally considered and passed on the twenty-ninth day of September, 1890, at the hour of seven o'clock and thirty minutes in the afternoon at the council chamber.

Read first and second time and in committee 23rd June, 1890.

Read a third time and passed in open council this thirteenth day of October, A.D. 1890.

(Signed) G. C. EDEN,

*Town Clerk*

(Signed) D. W. KARN,

*Mayor.*



## SCHEDULE B.

### (Section 1.)

By-Law No. 721 of the municipal council of the town of Woodstock in the county of Oxford :

Whereas the said council by by-law of even date herewith have determined to construct certain water-works for supplying water for the use of the said town from a group of springs called the Cormac Thornton springs in the township of West Oxford, and thereby to conduct the water of said springs to a point on Dundas street where Victoria street intersects it ; and whereas the said council have also determined, on the completion of the last named work, to extend the water mains to various portions of the town of Woodstock by means of mains and hydrants and other appliances, the course of which proposed mains along the streets and public places of the town of Woodstock are approximately indicated on a plan filed in the office of the town clerk on the red lines within the limits of the said town appearing on the said plan, the total length of which proposed extensions is eight miles or thereabouts ; and whereas the cost of the said construction will be the sum of forty-eight thousand dollars ; and whereas the amount of the whole real and personal property of the said town, according to the last revised assessment roll, is two millions four hundred and six thousand four hundred and eighty dollars and the amount of the existing debenture debt of the said town is the sum of two hundred and twenty-eight thousand seven hundred and fifty-seven dollars, none of the principal or interest thereof being in arrear ; and whereas it has been determined to construct the said extensions and to expend for such purpose the sum of forty-eight thousand dollars to be borrowed at the rate of four per cent. per annum payable yearly, the principal to be repaid at the expiration of forty years next after this by-law shall take effect and a sinking fund to pay the principal commencing ten years next after this by-law shall take effect and to be continued in each of the then next succeeding thirty years and the yearly charge for the said interest will be the sum of nineteen hundred and twenty dollars, and the yearly charge for the said sinking fund to commence in the year nineteen hundred and one will be the sum of eight hundred and fifty-six dollars ; and it is desirable, subject to the assent of the electors and of the Legislature of the Province of Ontario, to construct the said extensions when and if the works proposed to be executed by the by-law now in recital shall have become operative and to borrow and expend the said sum of forty-eight thousand dollars for the purposes of the said extensions ;

Therefore

Therefore the municipal council of the said corporation of the said town of Woodstock enacts as follows :—

1. It shall be lawful for this corporation to construct and maintain the said works under and subject to the provisions of the said Acts and their present or any future amendments and under and subject to any by-laws of this council lawfully to be passed relating thereto.

2. It shall be lawful for this corporation, their engineers, surveyors and workmen to enter into and upon the lands of any persons, bodies politic or corporate in the said town and to survey out and ascertain the lands over or through which the pumping-house mains or pipes required to be used for such extensions shall be located and to contract with the owners or occupiers of such of the said lands as shall be owned by private individuals, bodies politic or corporate for the purchase or renting of any lands which may require to be purchased or rented for the purposes aforesaid.

3. Power is hereby given to the mayor or other head of the said corporation to do all acts and sign all necessary papers to enable the said corporation to arbitrate with any person or persons or bodies politic or corporate respecting any purchase money, yearly rental or value or damages to be payable by the corporation in respect of the said lands and rights so to be acquired.

4. All the powers, rights and privileges given to or exercisable by municipal corporations under the said Acts in respect to water works may be exercised by this corporation in respect of the said works hereby authorized to be acquired, constructed and maintained as fully as if the said enactments had been set forth and enacted in full herein.

5. When and so soon as this by-law and the said by-law now in recital shall take effect it shall be lawful for this corporation to proceed with the said extensions and complete the same, and for that purpose to expend thereon the said sum of forty-eight thousand dollars or so much thereof as shall be necessary for that purpose.

6. For the purpose of paying for the said extensions it shall be lawful for the said corporation to issue their debentures for the sum of forty-eight thousand dollars payable within forty years from the date this by-law shall take effect with interest yearly at the rate of four per cent. per annum and to raise each year for the payment of interest the sum of nineteen hundred and twenty dollars in the years 1891 to and including the year 1900 and to raise in each year in the years 1901 to and including the year 1930 the sum of nineteen hundred and twenty dollars for interest and the sum of eight hundred and fifty-six dollars for a sinking fund amounting in all in the thirty last named years to the yearly charge of two thousand seven hundred and seventy-six dollars.

7. When and so soon as this by-law shall take effect it shall be lawful for the said council from time to time to pass a by-law or by-laws not inconsistent herewith, to set out, ascertain and acquire the lands, rivers, ponds of water, springs or streams of water necessary to be acquired by a fuller and more exact description and in reference thereto to do all other acts and acquire all other properties and rights in the premises they are entitled to under the said acts without submitting such by-law or by-laws to the votes of the electors.

8. The said council, when this by-law shall take effect, shall by by-law provide for the issue of debentures of this corporation for the said sum of forty-eight thousand dollars and interest as aforesaid payable at the times and in the manner aforesaid and shall sell the same and apply the proceeds for the cost of such construction and shall also thereby provide for the collection of the said interest and sinking fund yearly as hereinbefore stated by a rate on all the assessable property of this corporation and it shall not be necessary to submit the said by-law to the votes of the electors.

9. This by-law shall not take effect until it shall have been confirmed by an Act of the Legislature of the Province of Ontario, and shall take effect when such Act shall be passed.

10. The mayor or other head of this corporation is authorized and required to take the necessary steps to procure this by-law to be so confirmed.



11. The votes of the electors of the said municipality shall be taken on this by-law at the following times and places, that is to say on the first day of September next at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon. The places for taking the votes of the electors and the names of the deputy returning officers shall be as follows:—St. Andrew's Ward—(1) At Hayward's boarding-house, corner of Dundas and Winnett streets; deputy returning officer, Mr. Hurst. (2) At Bain's waggon shops; deputy returning officer, Mr. James T. Bain. St. David's Ward—(1) At Mrs. Landy's shop, north of Dundas street and east of Victoria street; deputy returning officer, Mr. R. G. Sawtell. (2) At Thomas Love's house, north of Dundas street; deputy returning officer, Mr. Thomas Love. St. George's Ward—(1) At Watson's foundry; deputy returning officer, Mr. Watson. (2) At Gardner & Rose warehouse; deputy returning officer, Mr. William Scarff. (3) At the express office; deputy returning officer, Mr. George A. Pyper. St. John's Ward—(1) Fire hall; deputy returning officer, Mr. Donald McAllan. (2) At Karn's piano factory; deputy returning officer, Mr. Frederick Richards. St. Patrick's Ward—(1) At Sigin's carriage factory; deputy returning officer, Mr. T. McBeath. (2) At Millman's office, east of Perry street; deputy returning officer, Mr. D. M. Perry. (3) At the council chamber; deputy returning officer, Mr. W. T. Wilkinson.

12. On the 29th day of August next the mayor of this corporation or the other head of this corporation shall attend at the council chamber at the hour of 2 o'clock in the afternoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

13. The clerk of the said municipality shall attend at the said chambers on the 3rd day of September, 1890, at 11 o'clock in the forenoon and sum up the number of votes given for and against the said by-law, and if the said by-law is carried by the requisite number of the votes of the said electors the same will be finally considered and passed on the 29th day of September, 1890, at the hour of 7.30 p.m. at the council chamber at the town hall, Woodstock.

Read first and second time and in committee 23rd June, 1890.

Read a third time and passed in open council this thirteenth day of October, 1890.

(Signed) G. C. EDEN,  
*Town Clerk.*

(Signed) D. W. KARN,  
*Mayor.*

{ Corporate }  
Seal. }

## CHAPTER 85.

### An Act to incorporate the Bracebridge and Trading Lake Railway Company.

[Assented to 4th May, 1891.]

WHEREAS the persons hereinafter mentioned, and others, Preamble.  
and the municipal councils of the town of Bracebridge, and the townships of Macaulay, McLean and Ridout, all in the territorial district of Muskoka, have by their petitions prayed that the persons hereinafter named may be incorporated as a company for the purpose of constructing, equipping and operating a railway from a point on the line of the Northern and Pacific Junction Railway, at or near the town of

of Bracebridge, to some point in the township of McLean, at or near the unincorporated village of Baysville, both in the said territorial district of Muskoka; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Alfred Hunt, Samuel Henry Armstrong, Walter William Kinsey, Hector McQuarrie, Samuel Bridgland, Jacob William Dill, Charles Mickle, Alexander Peter Cockburn, James L. Fenn, George F. Marsh, Robert Montrose, D. W. Alexander, James Dollar, Mark Langford, George Yearly, John Haw, the elder, David Edgar Bastedo, Robert P. Perry, James Dollar, and W. C. Mahaffy, together with all such other persons and corporations, as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic, by the name of "The Bracebridge and Trading Lake Railway Company."

Location of line.

2. The said company shall have full power under this Act to construct, equip, and operate a railway from a point on the line of the Northern and Pacific Junction Railway, at or near the town of Bracebridge, to a point in the township of McLean, at or near the unincorporated village of Baysville, both points being in the said district of Muskoka.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The persons hereinbefore named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the said company, of whom seven shall be a quorum, and shall hold office as such, until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have full power to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed and to make calls upon the subscribers in respect of their stock and to sue for and recover the same, to cause surveys and plans to be executed, to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits, and to receive for the company any grant, loan, bonus, or gift made to or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary

ordinary directors; and the said directors, or a majority of them or the board of directors, to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of elected directors, shall allocate and apportion it among the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment such exclusion shall best conduce to the building of the said railway; and all meetings of the provisional board of directors shall be held at the said town of Bracebridge or at such other place as may best suit the interest of the said company.

6. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions  
not binding  
until ten per  
cent. paid.

7. The capital stock of the company hereby incorporated shall be \$60,000 (with power to increase the same, in the manner provided by *The Railway Act of Ontario*) to be divided into 600 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the purchasing of the right of way, to the making, equipment, completion, and working of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of the capital stock, the municipal corporation of any municipality, on or near the line of such works may by resolution of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Capital stock.

Rev. Stat. c.  
170.

8. When and as soon as shares to the amount of \$15,000 of the capital stock of the company have been subscribed, and

First election  
of directors.

ten



ten per centum paid thereon into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors of the company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in a paper published in the town of Bracebridge, of the time, place, and object of said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting and may also pass such rules, regulations and by laws as may be deemed expedient provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Rev. Stat. c.  
170.

Qualification  
of directors.

**9.** In the election of directors under this Act, no person shall be elected unless he be the owner of at least ten shares of the stock of the said company, upon which all calls due thereon have been paid.

Annual meet-  
ings.

**10.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said town of Bracebridge, on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in a newspaper published in the said town of Bracebridge, during the four weeks preceding the week in which such meeting is to be held.

Special gene-  
ral meetings.

**11.** Special general meetings of the shareholders of the said company may be held at such place and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Aliens.

**12.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Quorum.

**13.** At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business

ness, and the said board of directors may employ one of their number as paid director.

14. The directors may, from time to time, make calls as Calls. they think fit, provided that no calls shall be made at one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call, as provided by section 10 of this Act; said calls not to be made at closer intervals than three months.

15. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of the subscription thereof, or at any time before making any final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon to issue scrip to such subscriber to the full amount of such stock subscribed. Payment of stock in full allowed.

16. The said company may receive from any government, Aid to com- or from any persons or bodies corporate, municipal, or politic, pany. who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of gift, bonus, or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms or conditions as may be agreed upon.

17. The said provisional or elected directors may pay or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, buildings, or lands, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors, for the purpose of assisting the directors, in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company. Payments in bonds or stock authorized in certain cases.

18. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation Exemption from taxation.

ration may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Power to receive grants of land and dispose of same.

**19.** Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift, to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have the power to accept gifts of land from any government, or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and subject to the provisions of *The Railway Act of Ontario* and any amendment thereof, it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Rev. Stat. c. 170.

Issue of bonds.

**20.** The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty, Queen Victoria, shall apply to all such bonds and the issue thereof and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 170.

Negotiable instruments.

**21.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any promissory note or bill of exchange, made, accepted, or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to

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to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

**22.** Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set out in Schedule A, hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Form of conveyance.

**23.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction of railway.

Rev. Stat. c. 170.

**24.—(1)** When said gravel, stone, earth, or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may

Sidings to gravel pits.

Rev. Stat. c. 170.

at

at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to acquire more land than required for railway.

25. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 170.

Agreements for lease of railway, etc.

26. It shall be lawful for the company incorporated by this Act to enter into any arrangement with the Northern and Pacific Junction Railway Company, or the Grand Trunk Railway Company of Canada, if lawfully empowered to enter into such arrangement, for leasing to them the said railway, or any part thereof, and it shall further be lawful for the said company to enter into any arrangements with the said Northern and Pacific Junction Railway Company, or the said Grand Trunk Railway Company of Canada, if so lawfully authorized, for the working of the said railway, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on, or for the sale thereof, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements with either of the said companies, if so lawfully authorized, touching the use by one or the other, or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said railway may, and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers, and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions

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visions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**27.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

**28.** The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise. Power to mortgage bonds.

**29.** The said company may also construct an electric telegraph line and a telephone line in connection with their railway and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company. Telegraph and telephone lines.

**30.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such lands as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to purchase lands for erection of warehouses, etc.

**31.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges on goods.

**32.** The railway shall be commenced within three years and completed within five years after the passing of this Act. Commencement and completion of railway.

**33.** The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route Snow fences.



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or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow-fence so erected shall be removed on or before the first day of April next following.

Rev. Stat. c.  
170, incorpor-  
ated.

**34** The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act*, and of every Act in amendment thereof, so incorporated with this Act.

## SCHEDULE A.

(Section 22.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*), in consideration of

dollars paid to me (or us) by The Bracebridge and Trading Lake Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*), in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels (*as the case may be*)) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances unto the said, The Bracebridge and Trading Lake Railway Company, their successors and assigns (*here insert any other clauses, covenants, or conditions required*) and I, (or we) the wife (or wives) of the said, do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , A.D. 189 .

Signed, sealed and delivered }  
in the presence of }

## CHAPTER 86.

## An Act to amend the Act to incorporate the Fort Erie Ferry Railway Company.

[Assented to 4th May, 1891.]

WHEREAS the Fort Erie Ferry Railway Company has by its petition, prayed that an Act may be passed providing for certain amendments to the special Act incorporating the same and for an extension of the powers conferred upon the company thereby : and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The bonds of the said company numbered from one to forty, amounting in all to \$40,000 issued the first day of August, 1889, and intituled "First Mortgage Guaranteed Bonds of the Fort Erie Ferry Railway Company" are hereby declared to have been legally and validly made and issued by the said company. Bonds already issued declared valid.

2. All the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as the said section is amended by chapter 45 of the Statutes passed in the 53rd year of the reign of Her Majesty, shall be held as applying to the issue of bonds specially mentioned in the preceding section of this Act, and shall also apply to any further or other issue of bonds to be hereafter made by the said company ; and from and after the passing of this Act the said company as to the said issue of bonds heretofore made, and as to any issue of bonds hereafter to be made by said company, and as to any security by way of mortgage or otherwise given or to be given therefor, or in respect thereof, shall have all the powers, privileges, and authorities contained in said sub-sections. Provided, always, that, as to the said issue of bonds heretofore made by the company, any mortgage deed given or made to secure the same shall, for the purposes of said sub-sections, be deemed to be deposited in the office of the Provincial Secretary if and when a true copy of said mortgage, verified to the satisfaction of the Provincial Secretary, shall have been deposited in said office, and notice of such deposit shall have been given by the company in the *Ontario Gazette*. Certain provisions of Rev. Stat. c. 170 to apply to bonds.

3. The company is hereby authorized and empowered to extend, construct, maintain and complete and operate its railway and the extensions pursuant to the provisions and powers contained in section 2 of the said Act from the present terminus thereof in the village of Fort Erie to any part of Point Abino, Extension of line of railway.

Abino, in the township of Bertie, in the county of Welland, provided that the streets of or the highways of any municipality shall not be occupied or used by the said company for such extension unless by and subject to the terms and conditions of any permission heretofore or hereafter given by by-law by the municipal council of such municipality.

Extension of  
time for com-  
pletion of  
work.

4. The time for the completion of the said railway shall be extended for a period of three years from the passing of this Act.

## CHAPTER 87.

An Act to amend the Act to incorporate the Manitoulin and North Shore Railway Company.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS by an Act of the Legislature of Ontario, passed in the 51st year of Her Majesty's reign, chaptered 70, the Manitoulin and North Shore Railway Company was incorporated; and whereas by section 22 of the said Act it was enacted that the directors of the said company should have power to issue bonds for the purpose of raising money for prosecuting the said undertaking, provided that the whole amount of such issue of bonds should not exceed in all the sum of \$10,000 per mile; and whereas by section 33 of the said Act it was enacted that the railway should be commenced within three years and completed within six years after the passing of the said Act; and whereas the said company have prayed that the power of the directors of the said company to issue bonds may be increased and the time for the commencement and completion of the said railway may be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

51 V. c. 70  
s. 22 amended.

1. Section 22 of the Act passed in the 51st year of Her Majesty's reign, chaptered 70 is amended by striking out the figures "\$10,000" in the eighteenth line of the said section and substituting the figures "\$20,000" therefor.

Time for com-  
mencement  
and comple-  
tion of rail-  
way extended.

2. The time for commencing the construction of the said railway is extended for a period of three years from the 23rd day of March, 1891, and the time for the completion thereof, for six years from the said date.

CHAPTER



## CHAPTER 88.

## An Act to incorporate The Mimico Switch Line Railway Company.

*[Assented to 4th May, 1891.]*

**W**HEREAS The Mimico Real Estate Security Company <sup>Preamble.</sup> (Limited) have by their petition represented that it is desirable that an Act should be passed to authorize the construction of a short switch line of railway over and upon the lands of the said company in the township of Etobicoke, in the county of York, in order to increase the shipping facilities for the manufactories erected, or to be erected on the said lands, and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition, but with limited powers in that behalf;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James Morrison, manufacturer, Clarence J. McCuaig, <sup>Incorporation.</sup> real estate broker, Alexander Keith, manufacturer, Ephraim James Clark, real estate and financial agent, Thomas Clark, accountant, and William Pinkerton, barrister-at-law, all of the City of Toronto, in the County of York, together with such other persons as shall, in pursuance of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Mimico Switch Line Railway Company," hereinafter called the company.

2. The company hereby incorporated, their agents and <sup>Location of line.</sup> servants, shall have full power, under this Act, to survey, lay out, construct, complete and operate a short switch line of railway from a point at or near the southerly limit of the right of way of The Grand Trunk Railway Company of Canada, where the lands of the said The Mimico Real Estate Security Company (Limited) abut upon said right of way, thence southerly to the most northerly limit of that strip of said lands which, on plan 1043, fyled in the Registry Office for the County of York, is designated and marked with the letter V, thence southerly along and over said strip of land to what is known as the Lake Shore Road, in said township of Etobicoke, and thence southerly and across said road and on, over and upon the lands of the said The Mimico Real Estate Security Company (Limited), to the water's edge of Lake Ontario.

3. The gauge of the said switch line railway shall be four <sup>Gauge.</sup> feet eight and one-half inches. **4**

Board of  
provisional  
directors.

4. From and after the passing of this Act the said James Morrison, Clarence J. McCuaig, Alexander Keith, Ephraim James Clark, Thomas Clark and William Pinkerton, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company hereby incorporated, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

Rev. Stat. c.  
170.

5 The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company hereby incorporated from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said switch line of railway; and all meetings of the provisional board of directors shall be held at the said city of Toronto, or at such other place as may best suit the interests of the said company.

Subscriptions  
not binding  
till approved.

6. No subscription for stock in the capital of the company hereby incorporated shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Capital stock.

Rev. Stat. c.  
170.

7. The capital stock of the company hereby incorporated shall be \$15,000, with power to increase the same in manner provided by *The Railway Act of Ontario* to be divided into 150 shares of \$100 each, and shall be raised by the persons who may become shareholders in such company; and the money so raised and paid into the company shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, or in promoting the undertaking, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, completion and the  
operating

operating and maintaining of the said switch line of railway, and to the other purposes of this Act, and to no other purpose whatever.

8. When and so soon as shares to the amount of \$5,000 of the capital stock of the company hereby incorporated shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them, shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the said company. First general meeting.

9. In case the provisional directors neglect to call a meeting for the space of three months after \$5,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$500 of the capital stock, and who have paid up all calls thereon. If provisional directors neglect to call meetings five subscribers may call same.

10. In either of the cases last mentioned, notice of the time and place of holding such general meeting shall be given by publication in at least one newspaper in the said city of Toronto, once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the said city of Toronto, at such place therein, and on such day, and at such hour as may be named and set forth in such notice. Notice and place of meeting.

11. At such general meeting the subscribers to the capital stock, present in person or by proxy, who shall have so paid up ten per centum in respect to their subscriptions, shall choose not less than three or more than five persons to be directors of the company hereby incorporated which said directors shall constitute a board of directors and shall hold office until the next annual general meeting, or until other directors be elected in their stead; and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and *The Railway Act of Ontario*. Election of directors.

Rev. Stat. c. 170.

12. No person shall be qualified to be a director unless he be a shareholder holding at least ten shares of stock in the company hereby incorporated and unless he has paid up all calls thereon. Qualification of directors.

13. Aliens as well as British subjects, and whether resident within this Province or elsewhere, may be shareholders in Rights of aliens.



in the company hereby incorporated ; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors in the said company.

Annual  
general  
meetings.

**14.** Thereafter the annual general meetings of the shareholders of the company hereby incorporated shall be held at such place in the said city of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said company ; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and once in each week, during the four weeks preceding the week in which such meeting is to be held, in at least one newspaper published in the said city of Toronto.

Special  
general  
meetings.

**15.** Special general meetings of the shareholders of the company hereby incorporated may be held at such places in the said city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, and after due notice shall be given as provided in the last preceding section.

Voting at  
general  
meetings.

**16.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Representa-  
tion at  
meetings.

**17.** At all meetings of the shareholders of the company hereby incorporated the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy ; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Powers of  
majority of  
directors.

**18.** Any meeting of the provisional or elected directors of the company hereby incorporated regularly summoned, at which at least a majority are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors, and the said board may employ one of their number as paid director.

Calls.

**19.** Calls on the subscribed capital of the company hereby incorporated may be made by the directors for the time being, as they shall see fit ; provided that no calls shall be made at any one time, for more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, and notice of each call shall be given as provided in section 14 of this Act.

**20.** Shares in the capital stock of the company hereby incorporated may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

**21.** Should the shareholders of the company hereby incorporated resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution to confer such power upon one or more of their number.

One or more directors may be empowered to act for company.

**22.** Conveyances of land to the company hereby incorporated for the purposes of and powers given by this Act, made in the form set forth in schedule "A," hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicates thereof.

Form of conveyance of land to company.

**23.** It shall and may be lawful for any municipality through which the said switch line of railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company hereby incorporated to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company; and it shall and may be lawful for the company hereby incorporated to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said switch line of railway.

Use of highways company.

**24.** Subject to the provisions of section 23 of this Act, the switch line of railway hereby authorized to be built and constructed, shall be so built and constructed on, over, along and upon lands owned by the said The Mimico Real Estate Security Company (Limited), and by said last mentioned company voluntarily sold, given, conveyed or transferred to the company hereby incorporated for the purposes of the said switch

Switch line to be built over lands owned by Mimico Real Estate Security Co'y.

switch line of railway and its operation ; and, subject as aforesaid, the company hereby incorporated shall not have or possess any right, power, or authority to expropriate, or take or have any lands for or in connection with said switch line of railway, or the construction, working, or operation thereof, without the consent of the owner or proprietor of such lands; provided always, that as to streets and highways and any crossing thereof by the said switch line of railway, the provisions of *The Railway Act of Ontario* shall, for all purposes, apply to the company hereby incorporated, and to the switch line of railway hereby authorized.

Power to close  
up highways.

**25.** The company hereby incorporated shall have the power of closing up any road or highway crossing through any of their station grounds, provided the said company shall have the consent of the municipality in which the road is situated, by a by-law passed for that purpose, and provided a road adjacent thereto and convenient for the public be provided in lieu of any such closed road.

Certain pay-  
ments may be  
made in stock  
or cash.

**26.** It shall be lawful for the directors of the company hereby incorporated to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the said switch line of railway or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in cash or bonds, or in paid up stock or otherwise, as may be deemed expedient; provided that no such contract shall be of any force or validity until approved of by two-thirds of the shareholders present in person or by proxy, at a meeting specially convened for considering the same.

Contracts for  
leasing or hir-  
ing of rolling  
stock.

**27.** It shall be lawful for the directors of the company hereby incorporated to enter into agreement with any company or companies (if lawfully authorized to enter into such an agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies (if so lawfully authorized) for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Certain pay-  
ments may be  
made in paid  
up stock.

**28.** The said provisional directors, or the elected directors, may pay or agree to pay, in paid up stock, or in bonds of the company hereby incorporated, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the majority of shareholders present at any  
general



general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any such agreements so made shall be binding on the company.

29. The company hereby incorporated may enter into any arrangement with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, or the Toronto, Hamilton and Buffalo Railway Company, if lawfully authorized to enter into such an arrangement, for the leasing or working of the said switch line of railway, either wholly or partially, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, and generally may make any agreement or agreements with either or any of the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof; and the company or companies leasing or entering into such an agreement for using the said switch line of railway, may, and are hereby authorized to work the said switch line of railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Agreements  
with other  
companies.

### SCHEDULE A.

(Section 22.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by The Mimico Switch Line Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their switch line of railway, to hold with the appurtenances unto the said The Mimico Switch Line Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this  
day of \_\_\_\_\_ A.D. 189

Signed, sealed and delivered in the }  
presence of }

(L.S.)

CHAPTER

## CHAPTER 89.

## An Act to incorporate The Niagara River Railway Company.

[Assented to 4th May, 1891.]

## Preamble.

WHEREAS the Right Honourable Lord Wantage, of the city of London, England, Sebastian Z. de Ferranti, of the same place, Electrician, Albert D. Shaw, of Watertown, in the state of New York, Esquire, John G. Scott, of the city of Toronto, in the county of York, Esquire, Westrow S. Hulse, of the same place, Esquire, and T. Sutherland Stayner, Esquire, Thomas McGaw, Esquire, Charles J. Holman, Barrister, and John D. Irwin, Manager of the American Express Company, all of the said city of Toronto, have petitioned to be incorporated as a company for the construction of a railway from some point at or near the town of Niagara to a point at or near the village of Fort Erie, and it is expedient to grant the prayer of the said petition, but with limited powers in that behalf;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. The said the Right Honourable Lord Wantage, Sebastian Z. de Ferranti, Albert D. Shaw, John G. Scott, Westrow S. Hulse, T. Sutherland Stayner, Thomas McGaw, Charles J. Holman, and John D. Irwin, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Niagara River Railway Company."

## Location of line.

2. The said company may lay out, construct and finish, and, on all days except Sundays, operate a double or single line of railway, of such width or gauge as the company may see fit, from a point at or near the town of Niagara, thence westerly to a point at, in or near the Queen Victoria Niagara Falls Park, and from thence to a point at or near the village of Fort Erie; and may also construct, maintain and, on all days except Sundays, operate incline railways and elevators, to connect with the railway hereby authorized to be constructed, and run therefrom or near thereto at various points from the top of the bank of the Niagara river to points at or near the water's edge of the said river, or to acquire existing incline railways or any interest therein, and maintain and operate the same on all days except Sundays; provided always that no part of the said railway, nor any work, matter, material or thing for use on or in connection therewith, or the construction, user or maintenance thereof, shall be constructed, had

had, taken, or obtained in, through, over, from or upon any part of the said Park without the consent and approval of the Lieutenant-Governor in Council in that behalf being first had and obtained.

3. The capital stock of the said company shall be the sum of five hundred thousand dollars, to be divided into shares of one hundred dollars each, and the money thereby raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for the procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway and to the other purposes of this Act. Capital.

4. The persons named in the first section of this Act shall be and are hereby constituted a board of provisional directors of the said company, five of whom shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the shareholders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors under *The Railway Act of Ontario* may lawfully do. Provisional directors.

5. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank of the Dominion, having an office in the Province of Ontario, the provisional directors, or a majority of those present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and in one newspaper published in the town of Niagara Falls, of the time, place and object of said meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors; and the sums so paid shall not be withdrawn from the bank except for the purposes of this Act. First election of directors.

6. Thereafter the general annual meeting of the shareholders of the said company shall be held in the town of Annual meetings.  
Niagara



Niagara Falls or elsewhere as the directors may deem most convenient, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the said town, and in each of the counties from which a bonus may have been received.

Quorum of directors and appointment of paid directors.

7. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Power of directors to exclude persons from subscribing for stock.

8. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or may before allotment cancel the subscription and return the deposit of any person, if they are of the opinion that such person would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, or that such person's membership is for other reasons undesirable, and if, at any time, more than the whole stock shall have been subscribed the said board of directors shall allocate or apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking.

Allotment of stock.

9. It shall be lawful for the directors in procuring subscriptions for stock, to allot such stock in such amounts and subject to the payment of such calls of such amount and at such times and at such discount as they may think fit, or they may agree for the sale of such stock or any part thereof at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment as and when payable, shall be deemed to be money due in respect of a call made in accordance with the provisions contained in section 35 of *The Railway Act of Ontario* and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Rev. Stat. c. 170.

Power to accept payments in advance of calls.

10. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amount due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance, as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate

rate not exceeding ten per centum per annum as the shareholder paying such sum in advance and the directors shall agree upon.

**11.** The said directors may pay or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Power to make certain payments in stock.

**12.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

**13.** Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road, and lay their rails along any of the highways within such municipality.

Grants of land from municipalities, etc., authorized.

**14.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special

Power to become parties to promissory notes, etc.

special authority of a majority of a quorum of the directors, shall be binding on the said company ; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange ; nor shall the president, or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority, either general or special of the board of directors, as herein provided and enacted : Provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Issue of  
bonds.

**15.** The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$30,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Power to  
mortgage  
bonds.

**16.** The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Branches may  
be made to  
connect with  
other com-  
panies.

**17.** The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company lawfully authorized to enter into such arrangement for the purpose of making any branch to facilitate a connection between this company and such other chartered railway company.

Transfer of  
property may  
be directed by  
Lieutenant-  
Governor in  
Council.

**18.** Whereas a project, having in view the utilizing of the water power at Niagara Falls for the purpose of the generating of electricity and electrical power on an extended scale, is now being negotiated and arranged for ; and whereas it is expedient to provide that, if so deemed necessary by the Lieutenant-Governor in Council, the railway hereby authorized should either form a part of such project, or be controlled or operated in connection therewith, or in furtherance thereof, or of some similar project, it is hereby further enacted that if, at any time before the 1st day of January, 1894,

the



the Lieutenant-Governor in Council shall by Order in Council so direct, the said company shall assign, transfer and make over their said railway and all rights and powers acquired under this Act, or such portion thereof as may be directed as aforesaid, and the surveys, plans, works, plant, stock, machinery and other property or effects relating thereto, to such other incorporated company as shall be in and by the said Order in Council designated, but only upon and after payment of such amount as shall have been expended by the said railway company upon or in connection with the said railway, and the said maps, plans, surveys, works, plant, stock, machinery, and other property thereof, together with interest thereon at eight per cent. from the dates of such expenditure, and in the event of such amount not being agreed upon, then such amount as shall be awarded by three arbitrators, or a majority of them, one of whom shall be named and appointed by the company, another by the said incorporated company proposing to acquire the said railway, and a third by the Chancellor of Ontario.

**19.** All shareholders in the said company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company. Rights of aliens.

**20.** Before proceeding with the construction of the said railway, plans and maps, shewing the location thereof with profile, cross sections and specifications, shall be submitted to and approved by the Commissioner of Public Works; and the said company shall also submit in detail, to the Commissioner of Public Works, plans and drawings of the carriages or coaches proposed to be used for passenger traffic, for his approval, and the same shall be approved of by him before the said carriages or coaches shall be used upon the said railway, and the construction of the said railway and the building of the said carriages or coaches shall be subject from time to time to the inspection, direction and approval of the Commissioner of Public Works. Plans to be subject to approval of Commissioner of Public Works.

**21.** Nothing in this Act contained shall be held to authorize or empower the said company to take away from or deprive any person of any water power or privileges heretofore conferred upon or obtained by him, or to prevent any person from hereafter acquiring and using any water power or privileges. Company not to interfere with water power or privileges.

**22.** For the purpose of operating the said railway the said company shall have power to construct and maintain a telegraph or telephone line, and connect the same with their offices, stations, and other works, and for that purpose shall have all the powers conferred upon telegraph companies by chapter one hundred and fifty-eight of the Revised Statutes of Ontario, 1887. Telegraph lines.

Transfer of  
shares.

**23.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Regulations as  
to transfer of  
shares.

**24.** The directors may from time to time make such regulations as they shall think fit, for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends, as they shall find expedient, and all such regulations, not being inconsistent with the provisions of this Act and of *The Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

Form of con-  
veyances.

**25.** Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Power to  
purchase  
whole lots.

**26.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c.  
170.

Power to pur-  
chase land for  
docks, etc.

**27.** The company shall have full power to erect docks, stations, workshops, and offices, and to purchase lands for such purposes, and to sell and convey such land as may be found superfluous for any such purpose, and shall have power to construct, purchase, charter and navigate steamers, vessels, and other water-craft on Niagara River, Lake Erie, and Lake Ontario, for the purpose of traffic in connection with said railway.

28. The said railway may be operated by electric, steam horse, or other power, according as the Lieutenant-Governor in Council shall from time to time approve, and need not be operated by the company except in the summer season, and subsection two of section forty-one of *The Railway Act of Ontario* shall not apply to the said company.

Running of  
trains.

29. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in cash or bonds, or in paid up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to on-  
tract for con-  
struction and  
equipment of  
railway.

30. The construction of the said railway shall be commenced within five years, and the said railway shall be completed within seven years, after the passing of this Act.

Commence-  
ment and  
completion.

31. The said company shall not proceed with the construction of the line of the said railway under the powers in this Act contained until authorized in that behalf, by order of the Lieutenant-Governor in Council.

Work not to  
commence  
until author-  
ized by Order  
in Council.

## SCHEDULE A.

(Section 25.)

Know all men by these presents, that I, (or we), [insert the name or names of the vendor or vendors], in consideration of \_\_\_\_\_ dollars paid to me (or us), by The Niagara River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we), [insert the name or names of any other party or parties] in consideration of \_\_\_\_\_ dollars paid to me (or us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be), of land situated [describe the lands], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Niagara River Railway Company, their successors and assigns [here insert any other clauses, covenants or conditions required] and I (or we), the wife (or wives), of the said \_\_\_\_\_ do hereby bar my (or our), dower in the said lands.

As witness my (or our), hand and seal (or hands and seals this day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_)

Signed, sealed and delivered }  
in presence of }

[L.S.]



## CHAPTER 90.

## An Act to incorporate the Ontario, Belmont and Northern Railway Company.

[Assented to 4th May, 1891.]

## Preamble.

WHEREAS James M. Ashley, jr., of the city of New York, in the State of New York, president of the Toledo, Ann Arbor and North Michigan Railway Company; Alfred P. Poussette, of the town of Peterborough, in the county of Peterborough, barrister-at-law; Allan V. R. Young, of the same place, consular agent; Edmund Bristol and Douglas Armour, both of the city of Toronto in the county of York, barristers-at-law, have petitioned for an Act to incorporate a company for the purposes of constructing and operating a railway as hereinafter in this Act authorized; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. The said James M. Ashley, jr., Alfred P. Poussette, Allan V. R. Young, Edmund Bristol and Douglas Armour, together with such other persons and corporations as shall become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic by the name of "The Ontario, Belmont and Northern Railway Company."

## Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a single or double line of railway, from a point on the Midland Railway of Canada, either at or near the village of Hastings, in the county of Peterborough, or at or near the village of Campbellford, in the county of Northumberland; thence running northerly and crossing the Ontario and Quebec Railway at some point at or near the village of Blairton; thence running northerly to some point at or near lots 19 and 20 in the first concession of the township of Belmont, in the said county of Peterborough, and thence easterly to some point on the Central Ontario Railway, and within the township of Marmora, in the said county of Hastings.

## Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

## Provisional directors.

4. The said James M. Ashley, jr., Alfred P. Poussette, Allan V. R. Young, Edmund Bristol and Douglas Armour, with power to add to their numbers, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and receive payments on account of the stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the Railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held in the city of Toronto, in the county of York, or at such other place as may best suit the interest of the said company.

Powers of  
provisional  
directors.

Rev. Stat  
c. 170.

6. Conveyances of land to the said company for the purposes of this Act, made in the form set forth in schedule "A" to this Act, or to the like effect shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of  
conveyance.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions  
not binding  
till approved.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway

Aid to  
company.

railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat.  
c. 170.

9. The capital stock of the company hereby incorporated shall be \$100,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 1,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the acquisition, making, equipping, maintaining and completing of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election  
of directors.

10. When and as soon as shares to the amount of \$20,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the city of Toronto, in the said county of York, of the time, place and purpose of the said meeting.

Number of  
directors and  
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting, have so paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the said company, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent



inconsistent with this Act and *The Railway Act of Ontario* ; Rev. Stat., c. 170.  
and the said board of directors may employ and pay one of  
their number as managing director.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon. Qualification of directors.

**13.** The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than 20 per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 15 of this Act. Calls.

**14.** The provisional directors or the elected directors may pay or agree to pay in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain payments may be made in stock or bonds.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said city of Toronto, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company ; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said city of Toronto during the four weeks preceding the week in which such meeting is to be held. Annual meetings.

**16.** Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special meetings.

**17.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained ; provided always, that such aid shall not be given except after the passing of a by-law for the purpose. Aid from municipalities. Proviso.

pose, and the adoption of such by-law by the qualified rate-payers of the municipality, or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Provisions as  
to bonus by-  
aws.

**18.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

Rev. Stat., c.  
184.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat., c.  
184.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what  
to contain.

**19.** Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

**20.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expenses of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to by-laws.

**21.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

"Minor municipality," meaning of.

**22.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

**23.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried, council to pass same.

**24.** Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed or to be appointed under this Act.

And issue debentures.

**25.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Levying rate on portion of a municipality

**26.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this

Application of municipal Acts as to this by-laws.



this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of  
time for com-  
mencement.

**27.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time : provided that no such extension shall be for a longer period than one year.

Extension of  
time for com-  
pletion.

**28.** It shall and may be lawful for the council of any municipality that may grant aid, by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time : provided that no such extension shall be for a longer period than one year at a time.

Rate not ex-  
ceeding three  
cents in the  
dollar valid.

**29.** Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law : provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Exemption  
from taxation.

**30.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land.

**31.** Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway : and the said railway company shall have power to accept gifts of land from  
any

any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or for gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient: but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power to purchase. Rev. Stat., c. 170.

**33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway: and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring gravel, etc., for construction and maintenance of railway. Rev. Stat. c. 170.

**34.**—(1) When said gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be: and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated: and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the Sidings to gravel pits. Rev. Stat., c. 170.

the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat., c.  
170.

Snow fences.

**35.** The said company shall have the right on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

PROVISO.

Trusts of  
debentures.

**36.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee, within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of  
proceeds of  
debentures.

**37.** The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realised from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Ontario, Belmont and Northern Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as  
the



the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B," hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

**38.** The trustees shall be entitled to their reasonable fees <sup>Fees to</sup> and charges from said trust fund, and the act of any two of <sup>Trustees.</sup> such trustees shall be as valid and binding as if the three had agreed.

**39.** The directors of the said company shall have power <sup>Issue of bonds.</sup> to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

**40.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, <sup>Negotiable Instruments.</sup> that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. <sup>Proviso.</sup>

Pledging  
bonds.

**41.** The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Agreements  
with other  
companies.

**42.** It shall be lawful for the directors of the company to enter into agreement with any company or companies, if (lawfully authorized to enter into such agreement) person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock, and other movable property from such companies or persons for such time or times, and on such terms as may be agreed on ; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed on.

Agreements  
with other  
railway com-  
panies.

**43.** The said company shall have power to agree for connections and making running arrangements with the Midland Railway of Canada, the Canadian Pacific Railway Company, and the Central Ontario Railway Company, or any of them, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said companies, or any of them, if lawfully authorized to enter into such agreement, for the sale, or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant, or rolling stock of any of them, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to ac-  
quire railway  
between Rice  
Lake and  
Marmora  
Lake.

**44.** The company may acquire by purchase or lease any portion of the line of railway between Rice Lake and Marmora Lake, and the owner or owners of such existing line are hereby empowered to sell or lease the same, or any part thereof, to the company, with all franchises, rights and privileges thereto belonging or appertaining, but this section shall not be  
construed

construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**45.** The said company may also construct an electric telegraph line and a telephone line in connection with their railway and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Telegraph and telephone lines.  
Rev. Stat. c. 158.

**46.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Rights of aliens.

**47.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

**48.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to hold additional property.

**49.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges on goods.

**50.** The said railway shall be commenced within three years, and completed within six years from the passing of this Act.

Commencement and completion of railway.

**51.** The directors of the said company may enter into a contract or contracts with any individual or association of individuals

Power to contract for construction and equipment of line.



Proviso.

individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor either in the whole or in part, either in cash or bonds, or in paid up stock: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same

Power to  
build railway  
by sections.

**52.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof and of its course and direction and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to plans and surveys by sections or portions less than the whole length of the said railway authorized of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rev. Stat. c.  
170.

Rev. Stat. c.  
170 incor-  
porated.

**53.** The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

## SCHEDULE A.

(Section 6.)

KNOW ALL MEN BY THESE PRESENTS THAT I (or we) (*insert the name or names of the vendor or vendors*)

in consideration of  
dollars paid to me (or us) by the Ontario, Belmont and Northern Railway Company, the receipt whereof is hereby acknowledged do grant and convey unto the said company and I (or we) (*insert the name or names of any other party or parties*) in consideration of  
dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels) (*as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold with the appurtenances unto the said the Ontario, Belmont and Northern Railway Company, their successors and assigns, (*here insert any other clauses, covenants or conditions required*)  
and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this  
day of A.D. 189 .

Signed, sealed and delivered }  
in the presence of }

[L. S.]

## SCHEDULE B.

(Section 37.)

Chief Engineer's certificate.

THE ONTARIO, BELMONT AND NORTHERN RAILWAY COMPANY'S OFFICE

No. Engineer's department. A.D. 18

Certificate to be attached to cheques drawn on the Ontario, Belmont and Northern Railway Company municipal trust account given under  
section chapter of the Acts of the Legislature of  
Ontario passed in the year of Her Majesty's reign.

I, A. B.

Chief Engineer of the Ontario, Belmont and Northern Railway Company do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

## CHAPTER 91.

## An Act to amend the Act to incorporate the Ottawa Arnprior and Renfrew Railway Company.

*[Assented to 4th May, 1891.]*

## Preamble.

WHEREAS the Ottawa, Arnprior and Renfrew Railway Company has by its petition prayed for certain amendments to its Act of incorporation, and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

51 V. c. 71, s. 6,  
amended.

1. Section 6 of the Act to incorporate said company passed in the 51st year of Her Majesty's reign and chaptered 71 is hereby repealed and the following section substituted therefor:

Agreements  
for amalga-  
mation or for  
leasing or  
selling to  
other com-  
panies.

6—(1) The company may amalgamate with the Grand Trunk Railway Company of Canada, or the Canada Atlantic Railway Company, or the Kingston and Pembroke Railway Company, or the Ottawa and Parry Sound Railway Company, or the Parry Sound Colonization Railway Company, or with any two or more of such companies, under such corporate name as may be agreed on, or may sell its lines, properties and rights to such companies, or any one or more of them, upon such terms and conditions as may be agreed upon between the contracting companies.

(2) If the company amalgamate with such companies, or any one or more of them, the amalgamated company shall be vested with all the rights, franchises, powers, privileges and properties which the companies entering into the amalgamation may have at the time the amalgamation is made, and the amalgamated company shall be liable for all the debts, duties and obligations of the respective companies so amalgamating; and no proceeding of any nature, either by or against any of the said companies shall be abated or discontinued by reason of the amalgamation, but may be continued as if no amalgamation had taken place, but any judgment rendered in any such proceeding shall be binding upon and executory against the amalgamated company, or shall enure to the benefit thereof, as the case may be.

(3) If the company sell its lines, properties and rights to such companies, or any one or more of them, the purchasing company upon completion of the purchase shall be vested with all the rights, franchises, powers, privileges and properties, and shall be liable for all the debts, duties and obligations of the company, and all proceedings of any nature then pending by or against the company may be continued by or against the purchasing company.

(4)



(4) No amalgamation or sale authorized by this section shall be valid or take effect until it shall have been submitted to and received the approval of two-thirds in value of the shareholders present or represented by proxy at a special general meeting called for the purpose.

(5) Such amalgamated company shall not have power to amalgamate with any railway company or companies other than the railway companies which the Ottawa, Arnprior and Renfrew Railway Company are authorized to amalgamate with under this Act, nor shall such amalgamated company have power to enter into or conclude any agreement for selling, conveying or leasing the amalgamated railway or any part thereof, or for the working of the said amalgamated railway or any part thereof, except with such railway companies as the Ottawa, Arnprior and Renfrew Railway Company are by this Act authorized.

(6) Nothing in this section contained is intended to confer any authority upon any railway company, not within the legislative authority of the Province of Ontario, to amalgamate or purchase as aforesaid, further than the legislature of the Province of Ontario has power to confer the same.

2. Section 7 of the said Act is hereby amended by adding thereto, after the words "Kingston and Pembroke Railway Company," therein, the words "the Ottawa and Parry Sound Railway Company, the Parry Sound Colonization Railway Company." 51 V. c. 71, s. 2, amended.

3. Section 48 of the said Act is hereby amended by striking out the following proviso contained therein. "Provided however that the whole amount of such issue of bonds shall not exceed \$15,000 per mile for each and every mile of railway by this Act authorized to be built;" and by inserting therein in the place of the proviso so struck out the following proviso:—"Provided however that the whole amount of such issue of bonds shall not exceed \$25,000 per mile for each and every mile of railway by this Act authorized to be built." 51 V. c. 71, s. 48, amended.  
Issue of bonds not to exceed \$25,000 per mile.

## CHAPTER 92.

### An Act to amend the Act to incorporate the Parry Sound Colonization Railway Company.

[Assented to 4th May, 1891.]

WHEREAS by an Act of the Legislature of Ontario passed in the 48th year of Her Majesty's reign, chaptered 78, the Parry Sound Colonization Railway Company was incorporated; and whereas the said company have prayed to have the said Act amended; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

48 V., c. 78,  
s. 27 repealed. 1. Section 27 of the said Act, passed in the 48th year of Her Majesty's reign, chaptered 78, is hereby repealed and the following substituted therefor:—

Power to  
amalgamate  
or sell line to  
other com-  
panies.

27.—(1) The said company may amalgamate with the Northern and Pacific Junction Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Brockville, Westport and Sault Ste. Marie Railway Company, the Canada Atlantic Railway Company, the Ottawa and Parry Sound Railway Company, or the Ottawa, Arnprior and Renfrew Railway Company, or with any two or more of such companies under such corporate name as may be agreed on, or may sell its lines, properties and rights to such companies or any one or more of them upon such terms and conditions as may be agreed upon between the contracting companies.

Effect of  
amalgamation.

(2) If the company amalgamate with such companies, or any one or more of them, the amalgamated company shall be vested with all the rights, franchises, powers, privileges and properties which the companies entering into the amalgamation may have at the time the amalgamation is made, and the amalgamated company shall be liable for all the debts, duties and obligations of the respective companies so amalgamating, and no proceeding of any nature either by or against any of the said companies shall be abated or discontinued by reason of the amalgamation, but may be continued as if no amalgamation had taken place, but any judgment rendered in any such proceeding shall be binding upon and executory against the amalgamated company, or shall enure to the benefit thereof, as the case may be.

Effect of sale  
of lines etc.

(3) If the company sell its lines, properties and rights to such companies or any one or more of them, the purchasing company upon completion of the purchase shall be vested with all the rights, franchises, powers, privileges and properties, and shall be liable for all the debts, duties and obligations of the company, and all proceedings of any nature then pending by or against the company may be continued by or against the purchasing company.

Agreements  
for lease of  
railway, etc.

(4) The company may enter into any agreement with the said other companies, or with any one or more of them, for the leasing of the said railway, or any part thereof, or for the working of the said railway, or for running powers over the same, or for leasing or acquiring running powers over the line or lines of said other companies, or any one or more of them, or any part or parts thereof, or for leasing or hiring from said other companies, or any one or more of them, any portion of  
their

their lines or the use thereof, and generally may make any agreements with the said other companies, or any one or more of them, touching the use of the rolling stock of the said companies or any of them, or touching any service to be rendered by the one company to the other or others, and the compensation therefor, and the said company or companies leasing or entering into such agreement or agreements for using the said line, may work the said railway in the same manner and in all respects as if incorporated with its or their own line or lines, and may exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred.

(5) No amalgamation, sale, lease or working agreement authorized by this section shall be valid or take effect until it shall have been submitted to and received the approval of two-thirds in value of the shareholders present or represented by proxy at a special general meeting called for the purpose.

Agreements  
to be approved  
by shareholders.

(6) Nothing in this section contained is intended to confer any authority upon any railway company not within the legislative authority of the Province of Ontario, further than the legislature of the Province of Ontario has power to confer the same.

Act not to  
apply to  
companies  
not within the  
legislative  
authority of  
Ontario.

## CHAPTER 93.

### An Act to incorporate the Port Arthur and Fort William Railway Company.

*[Assented to 4th May, 1891.]*

WHEREAS Thomas Marks, merchant, George H. Macdonald, gentleman, and George Thomas Marks, merchant, all of the town of Port Arthur, in the district of Thunder Bay, and Thomas Reid, esquire, and Joseph Davidson, esquire, both of the city of Toronto, have by their petition represented that it is desirable that a railway be constructed from a point in the town of Port Arthur to a point at, in or near McKellar ward, in the township of Neebing, in the said district of Thunder Bay, and thence to a point in or near lot eight in the first concession of the said township of Neebing, and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition, but with limited powers in that behalf;

Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas Marks, George H. Macdonald, George Thomas Marks, Thomas Reid and Joseph Davidson, hereinbefore mentioned

Incorporation  
of company.



mentioned, and also John Leys, of the said city of Toronto, barrister, together with all such persons or corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of the Port Arthur and Fort William Railway Company.

Location of  
Line.

2. Subject to the provisions hereinafter contained the said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a single or double line of railway from a point in the town of Port Arthur, in the district of Thunder Bay, to a point at, in or near McKellar ward, in the township of Neebing, in the said district of Thunder Bay, and thence to a point in or near lot eight in the first concession of the said township of Neebing.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional  
directors.

4. The said Thomas Marks, George H. Macdonald, George Thomas Marks, Thomas Reid, Joseph Davidson, and John Leys, with power to add to their number, shall be and are hereby constituted a board of provisional directors of said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of pro-  
visional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and receive payments on account of the stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion will best secure the building of the said railway; and all meetings

Rev. Stat. c.  
170.

of

of the provisional board of directors shall be held in the town of Port Arthur, or at such other place as may best suit the interests of the said company.

6. Conveyances of land to the said company for the purposes of this Act, made in the form set forth in schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyances  
of land to  
company.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions  
not binding  
until ten per  
cent. paid.

8. The said company may receive from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to  
company.

9. The capital stock of the company hereby incorporated shall be \$100,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 1,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require

Capital stock.

Rev. Stat.,  
c. 170.

require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First general meeting.

**10.** When and so soon as shares to the amount of \$25,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one newspaper published in the said town of Port Arthur in the district of Thunder Bay, of the time, place and purpose of said meeting.

Election of directors.

**11.** At such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting, have paid up ten per centum on their shares, shall elect five persons to be directors of the said company in manner and qualified as hereinafter described, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Rev. Stat. c. 170.

Qualification of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company and unless he has paid up all calls thereon.

Calls.

**13.** The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 15 of this Act.

Certain payments may be made in stock or bonds.

**14.** The provisional directors, or the elected directors may pay or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers and contractors or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the said company.



**15.** Thereafter the annual general meeting of the shareholders of the said company shall be held in the said town of Port Arthur or in such other place and on such days and at such hours as may be directed by the by-laws of the company and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said town of Port Arthur during the four weeks preceding the week in which such meeting is to be held. Annual general meetings.

**16.** Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section. Special general meetings.

**17.** The directors of the said company may enter into a contract or contracts with any individual, or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way and may pay therefor either in cash or bonds or in paid-up stock or otherwise, as may be deemed expedient: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering same. Contracts for construction of line. Proviso.

**18.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality as the case may be in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities.

**19.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:— Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way, and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2)

Rev. Stat. c.  
184.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat. c.  
184.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

By-laws, what  
to contain.

**20.** Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly, or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Provisions for  
referring to  
arbitration  
disputes as to  
by-laws.

**21.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any  
minor

minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expenses of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or the county, as the arbitrators may order.

**22.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. "Minor municipality," meaning of.

**23.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Company to deposit expenses of by-law.

**24.** In case the said by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law approved by electors council to pass same.

**25.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act. And issue debentures.

**26.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rate on portion of municipality.

**27.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of Municipal Acts as to by-law.

**28.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided, that no such extension shall be for a longer period than one year. Extension of time for commencement.

**29.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company Extension of time for completion.



pany, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents in the dollar valid.

**30.** Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of said road notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Municipalities may exempt company from taxation.

**31.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land from municipalities.

**32.** Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift, to the said company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body corporate or politic; and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Use of highways.

**33.** Any municipality through which the said railway passes and having jurisdiction in the premises may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter

enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

**34.** Subject to the provisions of section 33 of this Act the railway hereby authorized to be built and constructed shall be so built and constructed on, over along and upon lands now or hereafter owned by some one or more of the persons named in the first section of this Act, and by him or them voluntarily sold, given, conveyed or transferred to the company for the purposes of the said railway and its operation; and, subject as aforesaid, the company shall not have or possess any right, power or authority to expropriate, or take, or have any lands for or in connection with said railway, or the construction, working or operation thereof, without the consent of the owner or proprietor of such lands; provided always that as to streets and highways and any crossing thereof by the said railway the provisions of *The Railway Act of Ontario* shall for all purposes apply to the company and to the railway hereby authorized.

Railway o  
constructed  
on lands  
owned by  
promoters.

Rev. Stat.  
170.

**35.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing, maintaining or using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to  
purchase  
whole lots.

Rev. Stat. c.  
170.

**36.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may

Trustees of  
debentures.

Proviso.

may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts upon  
which debentures  
to be  
held.

**37.** The said trustees shall receive the said debentures, or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale, in some chartered bank having an office in the Province of Ontario in the name of "The Port Arthur and Fort William Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the said by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule "B" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to  
trustees.

**38.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

**39.** The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway, and the provisions of sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c.  
170.

Negotiable  
instruments.

**40.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors shall



shall be binding on the said company and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Power to mortgage or pledge bonds.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such agreement—person or persons for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock, and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements with other companies.

43. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Ontario and Rainy River Railway Company and the Port Arthur, Duluth and Western Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with either of the said railway companies if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of any portion of their railway, or the use thereof or for the sale or leasing or hiring any locomotive, tenders, plant or rolling stock or other property of either, or of both, or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders, voting in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding, according

Agreements with C.P.R. Co.; and Port Arthur, Duluth and Western R'y Co.

according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized, to work the said railway and in the same manner as if incorporated with their own line ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph and  
telephone  
lines.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Aliens,  
rights of.

45. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the said company, and all such shareholders whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects and shall also be eligible to office as directors in said company.

Transfer of  
shares.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to  
purchase  
lands for  
erection of  
warehouses,  
etc.

47. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such lands as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to  
collect back  
charges on  
goods.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

49. The said railway shall be commenced within three years and completed within five years from the passing of this Act.

Commence-  
ment and  
completion of  
line.

50. The said company shall subnit in detail, to the Commissioner of Public Works, plans and drawings of the carriages or coaches proposed to be used on said railway for passenger traffic, for his approval, and the same shall be approved of by him before the said carriages or coaches shall be used upon the said railway, and the construction of the said railway and the building of the said carriages or coaches shall be subject from time to time to the inspection, direction and approval of the Commissioner of Public Works.

Commissioner  
of Public  
Works to ap-  
prove of cars  
to be used.

51. The said company shall not proceed with the construction of the line of the said railway or any part thereof, under the powers in this Act contained until authorized in that behalf, by order of the Lieutenant-Governor in Council.

Work not to  
be commenced  
without  
authority of  
Lieutenant-  
Governor.

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*), in consideration of        dollars paid to me (or us) by the Port Arthur and Fort William Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) (*insert the name of any other party or parties*), in consideration of        dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway to hold with the appurtenances unto the said Port Arthur and Fort William Railway Company, their successors and assigns forever (*here insert any other clauses, covenants or conditions required*), and I (or we), the wife (or wives) of the said        do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this  
day of        A.D. 18        .

Signed, sealed and delivered in the }  
presence of                                        }

[L.S.]



## SCHEDULE B.

(Section 37.)

## CHIEF ENGINEER'S CERTIFICATE.

The Port Arthur and Fort William Railway Company's office, No.  
 Engineer's Department A.D. 18 .

Certificate to be attached to cheques drawn on the Port Arthur and Fort William Railway Company municipal trust account given under section chapter of the Acts of the legislature of Ontario, passed in the year of Her Majesty's reign.

I A.B. chief engineer of the Port Arthur and Fort William Railway Company do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the township of (or under the agreement dated the day of between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

## CHAPTER 94.

An Act to further amend the Acts respecting the Sandwich, Windsor and Amherstburg Railway.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS the Sandwich, Windsor and Amherstburg Railway has by its petition prayed that the time limited for the commencement and completion of the extensions thereof be extended and that the capital stock and borrowing powers thereof be increased; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

50 V., c. 80,  
s. 2, amended.

1. Section 2 of chapter 80 of the Acts passed in the 50th year of Her Majesty's reign, entitled "*An Act to amend the Act incorporating the Sandwich and Windsor Passenger Railway Company*," is hereby amended by striking out the word "eighty," and substituting in lieu thereof the words "two hundred."

50 V., c. 80,  
s. 3 amended.

2. Section 3 of the said Act is hereby amended by striking out the words "two" and "four" where they occur therein before the word "years," and substituting in lieu thereof the words "five" and "seven."

35 V. c. 64 s.  
12, amended.

3. Section 12 of chapter 64 of the Acts passed in the 35th year of Her Majesty's reign, intituled "*An Act to incorporate the Sandwich and Windsor Passenger Railway Company*" is hereby amended by striking out the word "twenty" where it occurs in the third line thereof and substituting in lieu thereof the words "one hundred."

CHAPTER

## CHAPTER 95.

## An Act to Incorporate The Tillson Spur Line Railway Company.

*[Assented to 4th May, 1891.]*

**W**HEREAS Edwin D. Tillson, manufacturer, John Garnett, accountant, George W. Tillson, miller, Spence H. Betts, book-keeper, and E. V. Tillson, gentleman, all of the town of Tilsonburg, in the county of Oxford, have petitioned for the construction of a short connecting spur railway line from a point in or near the right of way of the Brantford, Norfolk and Port Burwell Railway Company, in the town of Tilsonburg, in the county of Oxford, through the said town of Tilsonburg, to a point at or near the intersection of Bunker Hill street and John Pound street, and whereas it is expedient to grant the prayer of the said petition, but with limited powers in that behalf;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Edwin D. Tillson, John Garnett, George W. Tillson Spence H. Betts and E. V. Tillson, together with such other persons as shall, in pursuance of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Tillson Spur Line Railway Company," hereinafter called the company. Incorporation.

2. The company, their agents and servants, shall have full power, under this Act, to survey, lay out, construct, complete and operate a connecting spur railway line from a point situate in or near the right of way of the Brantford, Norfolk and Port Burwell Railway Company, in the town of Tilsonburg, in the county of Oxford, and between the west side of Broadway and the east side of King street in the said town of Tilsonburg, thence in a southerly direction to the right of way of the spur line of the Canada Southern Railway Company into the said town of Tilsonburg, thence still in a southerly or south-easterly direction to a point near the intersection of Oxford and Boomer streets, thence in a south-westerly direction to a point at or near the intersection of Bunker Hill street and John Pound street. Location of Line.

3. The gauge of the said connecting spur line railway shall be four feet eight and one-half inches. Gauge.

Board of provisional directors.

4. From and after the passing of this act the said Edwin D. Tillson, John Garnett, George W. Tillson, Spence H. Betts and E. V. Tillson, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

Rev. Stat. c 170.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said spur line of railway; and all meetings of the provisional board of directors shall be held at the said town of Tilsonburg, or at such other place as may best suit the interests of the said company.

Subscriptions not binding until ten per cent. paid.

6. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Capital stock.

Rev. Stat. c 170.

7. The capital stock of the company hereby incorporated shall be \$20,000, with power to increase the same in manner provided by *The Railway Act of Ontario* to be divided into two hundred shares of \$100 each, and shall be raised by the persons who may become shareholders in such company; and the money so raised and paid into the company shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, or in promoting the undertaking, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, completion and the operating



operating and maintaining of the said spur line of railway, and other purposes of this Act, and to no other purpose whatever.

8. When and so soon as shares to the amount of \$5,000 of the capital stock of the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the said company.

First general meeting.

9. In case the provisional directors neglect to call a meeting for the space of three months after \$5,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$500 of the capital stock, and who have paid up all calls thereon.

If provisional directors neglect to call meetings five subscribers may call same.

10. In either of the cases last mentioned, notice of the time and place of holding such general meeting shall be given by publication in at least one newspaper in the town of Tilsonburg, once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the said town of Tilsonburg, at such place therein, and on such day, and at such hour as may be named and set forth in such notice.

Notice and place of meeting.

11. At such general meeting the subscribers to the capital stock, present in person or by proxy, who shall have so paid up ten per centum in respect to their subscriptions, shall choose not less than three or more than five persons to be directors of the said company, which said directors shall constitute a board of directors and shall hold office until the next annual general meeting, or until other directors be elected in their stead; and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and *The Railway Act of Ontario*.

Election of directors.

Rev. Stat. c. 170.

12. No person shall be qualified to be a director unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification of directors.

13. Aliens as well as British subjects, and whether resident within this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote

Rights of aliens.

vote on their shares equally with British subjects, and shall also be eligible to hold office as directors in the said company.

Annual general meetings.

**14.** Thereafter the annual general meeting of the shareholders of the said company shall be held at such place in the said town of Tilsonburg and on such days, and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and once in each week, during the four weeks preceding the week in which such meeting is to be held, in at least one newspaper published in the said town of Tilsonburg.

Special general meetings.

**15.** Special general meetings of the shareholders of the said company may be held at such places in the said town of Tilsonburg, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, and after due notice shall be given as provided in the last preceding section.

Voting at general meetings.

**16.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Representation at meetings.

**17.** At all meetings of the shareholders of the company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Powers of majority of directors.

**18.** Any meeting of the provisional or elected directors of the said company regularly summoned, at which at least a majority are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors, and the said board may employ one of their number as paid director.

Calls.

**19.** Calls on the subscribed capital of the said company may be made by the directors for the time being, as they shall see fit; provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month and notice of each call shall be given as provided in section 14 of this Act.

Transfer of shares.

**20.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer

transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

**21.** Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

One or more directors may be empowered to act for company.

**22.** Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicates thereof.

Form of conveyance of land to company

**23.** It shall and may be lawful for any municipality through which the said spur line of railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company, and if such highway be either in the possession of or under control of any joint stock company, then also with the assent of such company; and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said spur line of railway.

Use of highways by company.

**24.** Subject to the provisions of section 23 of this Act, the spur line of railway hereby authorized to be built and constructed, shall be so built and constructed on, over, along and upon lands now or hereafter owned by some one or more of the persons named in the first section of this Act, and by him or them voluntarily sold, given, conveyed or transferred to the company for the purposes of the said spur line of railway and its operation; and, subject as aforesaid, the company shall not have or possess any right, power or authority to appropriate, or take, or have any lands for or in connection with said spur line of railway, or the construction, working or operation thereof, without the consent of the owner or proprietor of

Spur line to be constructed on lands owned by promoters.



Rev. Stat. c.  
170.

of such lands ; provided always that as to streets and highways, and any crossing thereof by the said spur line of railway, the provisions of *The Railway Act of Ontario*, shall for all purposes apply to the company, and to the spur line of railway hereby authorized.

Power to close  
up highways.

**25.** The said company shall have the power of closing up any road or highway crossing through any of their station grounds, provided the said company shall have the consent of the municipality in which the road is situated, by a by-law passed for that purpose, and provided a road adjacent thereto and convenient for the public be provided in lieu of any such closed road.

Certain pay-  
ments may be  
made in stock  
or cash.

**26.** It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the said spur line of railway or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in cash or bonds, or in paid up stock or otherwise, as may be deemed expedient ; provided that no such contract shall be of any force or validity until approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Contracts for  
leasing or hir-  
ing of rolling  
stock.

**27.** It shall be lawful for the directors of the company to enter into agreement with any company or companies (if lawfully authorized to enter into such an agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies (if so lawfully authorized) for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Certain pay-  
ments may be  
made in paid  
up stock.

**28.** The said provisional directors, or the elected directors, may pay or agree to pay, in paid up stock, or in the bonds of the company such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the majority of shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any such agreements so made shall be binding on the company.

29. The company may enter into any arrangement with the Grand Trunk Railway Company of Canada, or the Canada Southern Railway Company, if lawfully authorized to enter into such arrangement, for the leasing or working of the said spur line of railway, either wholly or partially, or for running over the same, on such terms and conditions as the directors of the several contracting companies may agree on, and generally may make any agreement or agreements with either of the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies leasing or entering into such an agreement for using the said spur line of railway, may, and are hereby authorized to work the said spur line of railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Arrangement  
with other  
companies.

## SCHEDULE A.

(Section 22).

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Tillson Spur Line Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I or we *insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their spur line of railway, to hold with the appurtenances unto the said The Tillson Spur Line Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_, do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of \_\_\_\_\_ A.D. 189

Signed, sealed and delivered in the }  
presence of }

(L.S.)

## CHAPTER 96.

## An Act respecting the Toronto and Mimico Electric Railway and Light Company (Limited).

[Assented to 4th May, 1891.]

## Preamble.

WHEREAS by letters patent, dated the fourteenth day of November, A.D. 1890, duly issued under *The Ontario Joint Stock Companies' Letters Patent Act*, *The Street Railway Act*, and *The Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, the Toronto and Mimico Electric Railway and Light Company (Limited) was duly incorporated for the purpose of constructing and operating a single or double line of street railway in the city of Toronto and in the townships of York and Etobicoke, and upon and along such of the streets, highways and public places in the said city of Toronto and in the said townships of York and Etobicoke as the councils of the said municipalities might by by-law authorize; and whereas under the provisions of *The Street Railway Act* certain by-laws have been passed by the municipal councils of the county of York and the township of Etobicoke, authorizing the said company to construct and operate their railway upon, over and along certain portions of the road known as the Lake Shore Road, subject to such agreements as committees of the respective councils might approve; and whereas a certain agreement dated the 23rd day of December, A.D. 1890, was entered into between the said company and the corporation of the county of York whereby the said company acquired the privilege of constructing and operating their said railway over, along and upon a certain portion of the road known as the Lake Shore Road, owned by the said corporation of the county of York and therein particularly defined; and whereas by a certain other agreement dated the 24th day of January, 1891, entered into between the said company and the corporation of the township of Etobicoke, the said company acquired the privilege of operating their said railway over, along and upon a certain portion of the said road known as the Lake Shore Road owned by the said corporation of the township of Etobicoke and therein particularly defined; and whereas the said company have by their petition represented that it is necessary to the successful carrying out of their undertaking that the validity of the said by-laws and agreements should be unquestionable; and whereas the said company have also represented by their petition that it is necessary in order to secure the successful carrying out of their different undertakings, as well as in the interest of the general public that certain other powers



powers and privileges should be granted to them ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. By-law number 590 passed by the municipal council of the county of York on the 22nd day of November, A.D. 1890, and by-law number 471, passed by the council of the township of Etobicoke on the 1st day of December, A.D. 1890, set forth in schedules A and B to this Act, and the said agreements entered into between the corporation of the county of York and the said company, and the corporation of the township of Etobicoke and the said company, set forth in schedules C and D to this Act, are hereby ratified and confirmed and declared to be valid and binding for all purposes whatsoever.

By-laws of township of Etobicoke and county of York confirmed.

2. The councils of the said municipalities may, from time to time, by resolution, extend the times for beginning or completing the lines of railway of the said company or any portion thereof named in the said before in part recited agreements or any of them, provided that no such extension shall be for a longer period than one year, and shall not be in any event for a period longer than that fixed by the terms of the letters patent under which the said company was incorporated.

Power to extend time for beginning or completing work.

3. The directors of the said company are hereby authorized to make and to issue from time to time bonds or debentures of the company to the total extent of \$100,000, such bonds or debentures to be in sums of not less than \$100 each, and on such terms and credit as they may think proper, which said bonds or debentures shall be taken and considered to be the first preferential charge upon the undertaking and real property of the company, including its rolling stock and equipments, now existing or at any time hereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of any of the bonds or debentures so issued shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid ; provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy, at any meeting of the company specially called for that purpose, shall be first had and obtained.

Power to issue bonds or debentures of company.

Proviso.

4. Subject to the terms of the letters patent under which the said company is incorporated, the said company shall have full power and authority to receive, acquire and hold, for any estate in the same, all voluntary grants and donations of land or other property in aid of and necessary for the construction, maintenance and accommodation of the said street railway ; and to sell, lease, alienate and dispose of, or mortgage the same ; and shall also have power to purchase, lease, acquire and hold, for any estate in the same of any corporation or person

Power to acquire land by purchase, etc., and to dispose of same.

person, any land or other property necessary for the construction, maintenance, accommodation and use of the said street railway or for any of the purposes of the said company; and to sell, lease, alienate and dispose of, or mortgage such last mentioned land or property.

Power to acquire lands for parks, etc.

Proviso.

Proviso

5. The said company is hereby authorized to purchase, lease or acquire by voluntary donation or otherwise, and to hold, for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended and necessary and suitable for park or pleasure grounds not exceeding 100 acres and being situate in the city of Toronto or the townships of Etobicoke or York, or partly in one and partly in another of the said municipalities; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and to increase, but not beyond the limit of the said 100 acres, the area of such lands, from time to time; and may make and enter into any agreement or arrangements with the municipal corporations of the county of York and townships of York and Etobicoke and the city of Toronto, or any of them in respect thereto; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided, moreover, that the company shall not, under any of the provisions of this section, have any right or power to purchase, lease or acquire any lands after the lapse of four years from the passing of this Act.

Municipalities may grant aid to company.

Rev. Stat. c. 170.

Rev. Stat. c. 184.

6. The said municipalities or any of them may lend to, or guarantee the payment of any sum of money borrowed by the said company from any corporation or person, or endorse or guarantee the payment of bonds or debentures issued by the said company, and may also assist the said company by bonus, gift or loan in the manner provided by section 39 of *The Railway Act of Ontario*, and section 634 of *The Municipal Act*, but always subject and pursuant to and in conformity with the provisions of the said Acts in that behalf, and especially subject and pursuant to and in conformity with all the requirements in that behalf of said section 39 and said section 634.

## SCHEDULE A.

(Section 1.)

BY-LAW No. 590.

A By-law to authorize and empower the directors of the Toronto and Mimico Electric Railway and Light Company (Ltd.), to locate and operate an electric railway along the Lake Shore Road, which is owned by the county.

Whereas the directors of the Toronto and Mimico Electric Railway and Light Company (Ltd.), have petitioned this council for permission to construct and operate an electric railway along the Lake Shore Road, which is owned by the county,

Be it therefore enacted by the municipal council of the corporation of the county of York ;

1st. That the Toronto and Mimico Electric Railway and Light Company (Ltd.), be and the same is hereby authorized and empowered to locate and operate their electric railway along the north side of that portion of the Lake Shore Road owned by the county, under the conditions of the agreement hereinafter referred to being carried into effect.

2nd. That upon the tolls on the York roads and the city market fees being abolished, the railway company will maintain the Lake Shore Road under the provisions and conditions of the aforesaid agreement, and if not properly kept in repair the said company shall forfeit any rights they may have acquired to use said road.

3rd. That the said franchise shall extend over a period of twenty-one years, and at the expiration thereof the railway company shall be entitled to a renewal upon such terms and conditions as shall from time to time be mutually agreed upon between the county and the company, or be determined upon by arbitration.

4th. That an agreement be prepared between this county and the company to locate and operate their line of railway as set forth in clause No. 1 of this by-law, subject to such conditions, restrictions, and provisions as Warden Evans, Messrs. Richardson, Woodcock, Forster, Pugsley, Russell and Humberstone, may approve of, and that upon such approval the said agreement shall be executed on behalf of this corporation.

Passed November 22nd, 1890.

GEO. EAKIN,  
*Clerk.*

J. D. EVANS,  
*Warden.*

I, George Eakin, Clerk of the County of York, do hereby certify that the foregoing is a correct copy of by-law No. 590, passed by the council of the county of York the 22nd day of November, A.D. 1890.

{ Seal }

(Sgd.)

GEO. EAKIN,  
*C. C. York.*

TORONTO, Feb. 20th, 1891.



## SCHEDULE B.

(Section 1.)

## By-Law No. 471.

Granting certain privileges to the Electric Railway and Lighting Company (Limited), to operate their road within this municipality.

Whereas the Toronto and Mimico Electric Railway and Light Company (Limited), have made application to this council for the exclusive privilege of constructing and operating along the Lake Shore Road an electric railway and an electric lighting service from the river Humber to the side road known as Mimico avenue, with privilege to extend their operations as far west as Long Branch Park should the company deem it advisable to do so.

And whereas the council of this municipality have decided to grant such privilege,

Be it therefore enacted by the municipal council of the corporation of the township of Etobicoke, and it is hereby enacted by the authority aforesaid :

That the said the Toronto and Mimico Electric Railway and Light Company (Limited), shall have the exclusive privilege of constructing and operating along the Lake Shore Road an electric railway and an electric lighting system, subject to such agreement as a committee of the council consisting of Messrs. Evans, Brown and Thompson, may approve of and the reeve is hereby authorized to sign such agreement.

(Sgd.) A. MACPHERSON,  
Clerk.

(Sgd.) J. D. EVANS,  
Reeve.

The above is a true and correct copy of By-law No. 471, of the township of Etobicoke, passed on the 1st day of December, A.D. 1890.

Witness my hand and the seal of the said township.

{ Seal }

Given at Islington, this 14th day of February, A.D. 1891.

(Sgd.) A. MACPHERSON,  
Clerk.

## SCHEDULE C.

(Section 1.)

This Indenture made in duplicate the twenty-third day of December, one thousand eight hundred and ninety.

Between the corporation of the county of York, of the first part, and the Toronto and Mimico Electric Railway and Light Company (Limited), hereinafter called the company of the second part.

Whereas certain persons were by Letters Patent, under the Great Seal of the Province of Ontario, bearing date the fourteenth day of November, A.D. 1890, incorporated as a body corporate and politic for the purposes therein mentioned by the name of "The Toronto and Mimico Electric Railway and Light Company (Limited)."

And

And whereas the said company was in and by said Letters Patent among other things empowered to construct, maintain, complete and operate, and from time to time, remove and change double or single track iron or wooden railways, with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon, along and across such streets and highways, and railway tracks or lines within the municipalities of the townships of York and Etobicoke and the city of Toronto, under and subject to any agreement thereafter to be made between the councils of the said municipalities and railway company respectively, and the said company as to the maintenance, construction and repairs of roadway and renewal thereof, and grade and style of rail and all other matters and things relating to roadway and walks, and under and subject to any by-laws of the said municipalities respectively or any of them made in pursuance thereof, and to take, transport and carry passengers and freight by the force of power of electricity, and to use and construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

And whereas in and by the said Act, full power and authority was given to the company to use and occupy any and such parts of any of the streets or highways aforesaid, as may be required for the purpose of their railway track and the laying of the rails and the running of their cars and carriages, provided that the consent of the said municipalities, respectively, shall be first had and obtained, which are by the said Act, respectively, authorized to grant permission to the company to construct their railway as aforesaid, within their respective limits across and along and to use and occupy the said streets and highways or any part of them for that purpose, upon such conditions and for such period or periods as may be respectively agreed upon between the company and the said municipalities by their councils aforesaid or any of them.

And whereas in and by said letters patent, the councils of the said several municipalities, or any of them, and the said company are respectively authorized to make and enter into any agreements or covenants relating to the construction of the said railways for the paving, macadamizing, repairing, grading and cleaning of the streets and highways, and the construction, opening up and repairing of drains and sewers, and the laying, of gas and water pipes in the said streets and highways and location of the railway, and the particular streets along which the same shall be laid the pattern of the rails, the time and speed of running the cars, the time within which the roads shall be commenced and the time of completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the said company have petitioned the municipal council of the county of York to sanction the construction and operation by the company of an electric railway in, along and upon all that portion of the Lake Shore Road, one of the York roads which is owned by the said county and which is hereinafter defined, and have asked that certain other privileges and immunities should be granted to the company, their successors or assigns; and the company have proposed to construct and operate such electric railway upon the said Road and are desirous of obtaining the necessary permission.

And whereas the parties hereto of the first part, being the corporation of the county of York, are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said company such as hereinafter contained.

Now this indenture witnesseth, that the said parties of the first part and the company have covenanted and agreed, and by these presents do covenant and agree each with the other of them as follows:—

1. That the company, their successors and assigns, be permitted without let or hindrance from the said parties of the first part, their successors or assigns, to construct, maintain, complete and operate, and from time to time, remove and repair an iron or steel railway track or tramway, to be a single track only, with the necessary culverts, switches and turnouts, such

such switches and turnouts not to exceed three in number, besides one at each end, nor one hundred feet each in length clear of curves for the passage of cars, carriages, and other vehicles adapted to the same, in, upon and along that portion of the Lake Shore Road lying between the western limit of Roncesvalles Avenue, produced southerly on Queen Street, in the city of Toronto, and the western limit of the county's road, now known as the Lake Shore Road, together with a switch or turnout for the purpose of leading to or from their said railway or tramway to the power house of the said company, situated on the north side of the road and switches or turnouts leading from their said railway or tramway to streets leading on the north to and from the said Lake Shore Road aforesaid.

Such railway being of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provision of this agreement, and in all cases where switches and turnouts are constructed, the said company, their successors or assigns shall extend the road metal or plank on the macadamized or planked portion of the road, to a distance of at least sixteen feet beyond the rail nearest the ordinarily travelled road, the full length of such siding.

2. All works necessary for constructing and laying down the railway or tramway shall be made in a substantial manner according to the then best modern practice under the supervision of the county engineer for the time being, and to the satisfaction of the corporation of the county of York.

3. The roadway, track and rails of the said railway or tramway shall be located and constructed on the south side from Roncesvalles Avenue as far west as the Grand Trunk Railway crossing, and after crossing the said railway track then on the north side only of said street to the end thereof as shown by the plans attached hereto marked "A." All the space between the rails, and at least one foot six inches from the outside of and up to and joining the rail next adjoining the macadam gravel or roadway, and all those portions of the opposite rail where directed by the county engineer or the parties of the first part, shall be paved or macadamized and kept constantly in good order and repair, and shall be maintained flush with rails of the said railway or tramway, by the said parties of the second part, their successors, or assigns who shall also be bound to construct and keep in good repair, crossings of a character approved by the parties of the first part, within the limits aforesaid at the intersection of every such railway or tramway, track and cross street or highway now opened or that may hereafter be opened, and wherever, bridges, culverts or waterways are found necessary for drainage or other purposes in the opinion of the county engineer or the parties of the first part, and those culverts or waterways already constructed shall be extended as directed. The River Humber shall be crossed by an independent bridge built by the company on the north side of the present bridge.

4. The track and turnouts shall conform to the grades of the said street or such other grades as may be furnished by the county engineer, or the party of the first part, and shall not in any way change or alter the same, except with the approval of the said engineer or the party of the first part, but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then in such cases when required by the said engineer the said company, their successors or assigns, shall make up or depress the grade of the said street to conform with the grade of the railway or tramway and re-metal the same. The top of the rails shall be laid flush with the street, and shall be always kept flush with the street and the gauge of the said railway or tramways shall be uniform with the street tramways of the city of Toronto, or the standard electric railway gauge in the discretion of the company. There shall also be fender planks the thickness of the depth of the rail, and twelve inches wide, spiked close to

both



both rails both on the inside and outside of said rails the full length of the road, omitting only such portions as may be permitted by the said engineer or the parties of the first part, the same to facilitate the crossing of said rails by vehicles.

5. The location of the line of railway in the said street or highway shall not be made until the plans thereof showing the position of the rails and other works on said street shall have been submitted to and approved of by the warden, county commissioners and engineer.

6. It is also agreed between the parties hereto that the said company, their successors or assigns, shall extend the Lake Shore Road to its full width on that portion between the Grand Trunk Railroad crossing and the road known as the Indian Road, also the westerly 800 feet across lot 37 as shown by plans filed in the Crown Lands Department establishing the width of said road, such extension to be commenced and carried to completion with the utmost dispatch when directed by the party of the first part. The parties of the first part will assist the railway or tramway company at the expense of the parties of the second part to have the fence of the Grand Trunk Railway where it infringes upon the original Lake Shore Road, removed and placed in proper location.

7. That the parties of the first part, or their assigns, shall have the right to take up any part of the streets or highways traversed by the rails either for the purpose of altering the grade thereof, constructing and repairing of sewers or drains or culverts or side-crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation, without the company, their successors or assigns, being entitled to any compensation for damages or otherwise occasioned to the working of the railway or tramway or works connected therewith, and in prosecuting such works, should any change be made in the grade of the Lake Shore Road by orders of the engineer or the parties of the first part, or their assigns, the said company, their successors or assigns shall without delay make its road or track conform with such changed grade of road so made.

8. The rails and cars to be used by the said company, their successors or assigns shall be of the latest approved pattern, the same to be approved by the parties of the first part. All persons using the road shall be at liberty to travel upon the portion of the said railway occupied by the said railway or tramway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway, and the wheels thereof upon said rails without charge by the said company, their successors or assigns, it being provided, however, that the cars of the said company their successors or assigns shall have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

9. The railway or tramway shall not be opened to the public nor put in operation until the sanction of the warden, and commissioners of county property has been previously obtained by enacting a special resolution to that effect, and such sanction may be granted upon a certificate from the county engineer, declaring the said railway or tramway to be in good condition and constructed conformably with the conditions prescribed by this agreement in that behalf.

10. The company, their successors or assigns, shall run at least two cars each way, morning and evening, on a regular time table, at such hours as will best meet the wants of the residents and the general public.

11. In case the electric motor or cars used by the company, their successors or assigns, in operating the said road, whilst passing along the railway or tramway shall cause alarm to any horses travelling or being upon said roadway with vehicles or otherwise, the motors or cars of the company shall, if necessary, be stopped to enable the horses so alarmed to pass, and the servants of the said company shall assist the person or persons riding, driving, or in charge of the horse or horses that may be alarmed as aforesaid, so as to prevent accident or injury to the person or persons,

persons, horse or horses, vehicles or other property of persons travelling, using or upon said roadway. So far as safely can be done without causing alarm or injury to horses or vehicles upon said roadway, the speed of the cars may be increased, not, however, to exceed at any time twelve miles per hour.

12. The conductors shall announce to the passengers the names of the stations, streets, highways and public squares as the cars reach them.

13. When the accumulation of ice or snow is, in the opinion of the county engineer or the parties of the first part, sufficient to impede the running of the cars, the company shall, on receiving notice from him, remove the same, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said engineer.

And when the snow is removed from the track the company shall slant down the snow on the roadway, so as to be convenient for the travelling public, to the satisfaction of the said engineer.

14. No higher fare than five cents shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein.

15. The company, their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails of the company upon the said highway. and the said company, their successors or assigns, shall hold the said parties of the first part, and their assigns, in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said parties of the first part, or their assigns, all sums payable by or recovered against the said parties of the first part, or their assigns, in respect of any such claims, together with all costs of or incidental to such claims incurred by the parties of the first part, or their assigns, and such claims and costs shall be a first lien on the property of the company, their successors or assigns.

16. Should the company, their successors or assigns, neglect to keep their track, or road, or crossings, or ballastings in good condition according to the terms of this agreement, or to have the necessary repairs according to this agreement made thereon, the said parties of the first part may give notice requiring such repairs to be forthwith made; and it is agreed between the parties hereto, that a certificate of the engineer, for the time being of the parties of the first part, as to the necessity of such repairs, in order to keep the said track, or roadway, or crossing in good condition, shall be binding and conclusive upon said company, their successors or assigns, and if after such notification given requiring such repairs to be made, the said company, their successors or assigns, do not within one week begin and carry to completion with all reasonable diligence, and complete within fifteen days from receipt of such notice or such further time as the said engineer may allow, this agreement shall be null and void and the said parties of the first part shall be at liberty to remove the rails of the said company, their successors or assigns, and to place the said highway in proper state of repair at the expense of the said company, their successors or assigns; the said company, for themselves, their successors or assigns, hereby agreeing to pay for such work on demand.

17. The privilege and franchise granted by this agreement shall extend over a period of twenty-one years from the date hereof, and the said company, their successors or assigns, and its cars, carriage and other vehicles, and horses and other motive power, shall, whether running the full distance or any shorter distance named in the first enacting section herein, or whether passing through a toll-gate or not, pay the fees, tolls or licenses upon the said street and highway above mentioned, the same as may be determined by the by-laws of the said county, passed from time to time, to regulate tolls on the York roads.

18. Upon the expiration of the privilege and franchise granted by this agreement the company, their successors or assigns, shall be entitled to a renewal of the same, and upon the expiration of such renewal term to further renewals thereof upon such terms and subject to such conditions, covenants, provisoes and stipulations as may be agreed upon between the county or their successors on the one part, and the company, their successors

cessors or assigns, on the other part, and in case the said parties are unable to agree, then upon such terms, conditions, covenants, provisoes and stipulations as may from time to time on each such renewal be determined upon by arbitration, to be appointed under the provisions of *The Municipal Act*, provided, however, that the expiration of the existing privileges and franchise granted herein, the parties of the first part may, upon giving notice in writing of their intention to the company, their successors or assigns, twelve months prior to the expiration of the said existing privilege and franchise, assume the ownership of the railways and tramways of the company, its successors or assigns, and all real and personal property in connection with the working thereof, on payment of the value of the same, to be determined by arbitration.

19. That until such time as the said parties of the first part discontinue the collection of tolls on the Lake Shore Road above referred to, the said company, their successors or assigns, and its cars, carriages and other vehicles shall, whether running the full distance or any distance shorter than that named in the first enacting section herein, or whether passing through a toll-gate or not, pay the fees, tolls or license upon the said street and highway above mentioned, the same as may be determined by the by-laws of the said parties of the first part, passed from time to time, to regulate tolls on the York roads.

20. As soon as the said parties of the first part shall discontinue the collection of tolls upon the Lake Shore Road, the said company, their successors or assigns, shall, if requested by the parties of the first part, take over and maintain the whole or any part of the said Lake Shore Road hereinbefore described, and shall keep it in such good and proper state of repair as shall meet with the approval of the engineer of the said parties of the first part, provided, however, that if, after due notice having been given to the company, their successors or assigns, the road be not properly kept in repair to the satisfaction of the said engineer, he shall be entitled to enter and have the same repaired at the expense of the company, their successors or assigns.

21. The company, their successors or assigns, shall construct and have open for travel their proposed line of railway or tramway, within two years from the first day of January, one thousand eight hundred and ninety-one, and in default thereof, the company, their successors or assigns, shall forfeit all the rights, privileges, and advantages granted by this agreement or acquired thereunder, and all such rights, privileges and advantages shall cease and determine as if this agreement had not been granted, and the consent of the parties of the first part had not been had or obtained by the company, as provided for in the said hereinbefore in part recited letters patent.

22. The company, their successors or assigns, shall have the exclusive right and privilege to construct a railway or tramway, in, along, and upon the said portion of the Lake Shore Road, subject to the observance of the conditions and agreements herein contained.

23. The council of the county of York, for the time being, shall be entitled to be represented by a director on the board of the said company, appointed annually by the county council, and to vote upon all matters and questions relating to the construction, location, maintenance, and repairs of the railway.

24. No motive power other than electricity or horse power shall be used on the said road in any way, at any time.

25. The services of the said county engineer in all cases to be paid by the company.

26. That the company, their successors or assigns, shall be subject to all by-laws and parts of by-laws of the said county of York, now in force, or that may be hereafter passed in respect to highways, as far as practicable.

27. Provided always, and it is hereby agreed, by and between the parties of the first part and the said company, their successors and assigns, that the said company, their successors and assigns, shall commence the building of such road not later than the first day of August next ensuing hereof, and shall complete the same not later than the time hereinbefore mentioned.



In witness whereof, the said corporation of the county of York, have caused their corporate seal to be hereunto affixed, and the warden and clerk thereof, have set their respective hands, and the said company have caused their corporate seal to be hereunto affixed, and the president thereof has set his hand, the day and year first above written.

Signed sealed and delivered  
in the presence of,

[Sgd.] GEO. W. McFARLEN,  
*Assistant Engineer.*

[Sgd.] J. D. EVANS, { Seal }  
*Warden.*

[Sgd.] GEO. EAKIN, { Seal }  
*Clerk.*

[Sgd.] F. BARLOW CUMBERLAND, { Seal }  
*President.*

[Sgd.] J. DAWSON,  
*Secretary.*

#### SCHEDULE D.

##### (Section 1.)

This Indenture made in duplicate the twenty-fourth day of January, one thousand eight hundred and ninety-one, between the corporation of the Township of Etobicoke, one of the municipalities in the county of York, of the first part; and the Toronto and Mimico Electric Railway and Light Company (Limited), hereinafter called the Company, of the second part.

Whereas certain persons were by letters patent, under the Great Seal of the Province of Ontario, bearing date the fourteenth day of November, A.D. 1890, incorporated as a body corporate and politic, for the purposes therein mentioned, by the name of "The Toronto and Mimico Electric Railway and Light Company (Limited)."

And whereas the said company was, in and by said letters patent among other things empowered to construct, maintain, complete and operate, and from time to time remove and change double or single track, iron or wooden railways, with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, upon, and along and across such streets and highways, and railway tracks or lines within the municipalities of the townships of York and Etobicoke, and the city of Toronto, under and subject to any agreement thereafter to be made between the councils of the said municipalities, and the said company as to the maintenance, construction and repairs of roadway and renewal thereof, and grade and style of rail, and all other matters and things relating to roadway and walks; and under and subject to any by-laws of the said municipalities, respectively, or any of them made in pursuance thereof, and to take, transport, and carry passengers and freight by the force or power of electricity, and to use, and construct, and maintain all necessary works, buildings, appliances and conveniences connected therewith.

And whereas full power and authority was given to the company to use and occupy any and such parts of any of the streets or highways aforesaid as may be required for the purpose of their railway track, and the laying

ing of the rails, and the running of their cars and carriages, provided that the consent of the said municipalities respectively shall be first had and obtained, which are by the said Act respectively authorized to grant permission to the company to construct their railway as aforesaid, within their respective limits across and along; and to use and occupy the said streets and highways or any part of them, for that purpose, upon such conditions, and for such period or periods as may be respectively agreed upon between the company and the said municipalities by their councils aforesaid or any of them.

And whereas in and by said letters patent the councils of the said several municipalities or any of them, and the said company are respectively authorized to make and enter into any agreements or covenants relating to the construction of the said railways, for the paving, macadamizing, repairing, grading and cleaning of the streets and highways, and the construction, opening up, and repairing of drains and sewers, and the laying of gas and water pipes in said streets and highways and location of the railway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of running the cars, the time within which the road shall be commenced and the time of completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas the said company have petitioned the municipal council of the township of Etobicoke to sanction the construction and operation by the company of an electric railway in, along and upon all that portion of the Lake Shore Road which is owned by the said township and which is hereinafter defined, and have asked that certain other privileges and immunities should be granted to the company, their successors or assigns; and the company have proposed to construct and operate such electric railway upon the said road and are desirous of obtaining the necessary permission.

And whereas the parties hereto of the first part, being the corporation of the township of Etobicoke, are willing to grant such permission upon the terms and conditions hereinafter set forth, and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth that the said parties of the first part and the company have covenanted and agreed and by these presents do covenant and agree each with the other of them as follows:

(1) That the company, their successors and assigns be permitted without let or hindrance from the said parties of the first part, their successors or assigns, to construct, maintain, complete and operate, and from time to time remove and repair an iron or steel railway track or tramway to be a single track only with the necessary culverts, switches and turnouts, such switches and turnouts not to exceed two in number in each mile besides one at each end, nor one hundred feet each in length, clear of curves, for the passage of cars, carriages and other vehicles adapted to the same, in, upon and along that portion of the Lake Shore Road lying between the western limit of that portion of the Lake Shore Road at present owned by the county of York and the present westerly limit of the property known as Long Branch Park, together with a switch or turnout for the purpose of leading to or from their said railway or tramway to a power house of the said company situated on the north side of the road and switches or turnouts leading from their said railway or tramway to streets leading to and from the Lake Shore Road aforesaid. Such railway being of approved construction and worked under such regulations as may be necessary for the protection of the inhabitants and the general public, and being subject always to the provisions of this agreement; and in all cases where switches and turnouts are constructed, the said company, their successors or assigns shall extend the road metal of the same character as that used on that portion of the road, so that it shall extend to a distance of at least sixteen feet beyond the rail nearest the ordinarily travelled road the full length of such siding.

(2) All works necessary for constructing and laying down the railway or tramway shall be made in a substantial manner according to the then

best

best modern practice under the supervision of the township engineer for the time being and to the satisfaction of the corporation of the township of Etobicoke.

(3) The roadway, track and rails of the said railway or tramway shall be located and constructed on the north side only of said street so that the centre of the railway track shall be at a uniform distance of ten feet from the northerly boundary of said street, excepting where it may be mutually agreed upon that it shall be placed at a different distance from the said boundary so as to leave the roadway clear for the travelling public. All the space between the rails and at least one foot six inches from the outside of and up to and adjoining the rail next adjoining the macadam, gravel, or roadway where directed by the township engineer or the parties of the first part, shall be macadamized and kept constantly in good order and repair, and shall be maintained flush with the rails of the said railway or tramway by the said parties of the second part, their successors or assigns, who shall also be bound to construct and keep in good repair crossings of a character approved by the parties of the first part within the limits aforesaid at the intersection of every such railway or tramway track and cross street or highway now opened or that may hereafter be opened, and whenever bridges, culverts or waterways are found necessary for drainage or other purposes in the opinion of the township engineer or the parties of the first part, they shall be constructed under their own track by the company, and those culverts, waterways or ditches already constructed shall be extended or altered as directed. The Mimico river shall be crossed by an independent bridge built by the company on the north side of the present bridge.

(4) The track and turnouts shall conform to the grades of the said street or such other grades as may be furnished by the township engineer or the parties of the first part, and shall not in any way change or alter the same except with the approval of the said engineer or the parties of the first part, but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then in such cases, when required by the said engineer, the said company, their successors or assigns shall make up or depress the grade of the said street to conform with the grade of the railway or tramway and re-metal the same. The top of the rails shall be laid flush with the street and shall be always kept flush with the street, and the gauge of the said railway or tramway shall be uniform with the street tramways of the city of Toronto or the standard electric railway gauge in the discretion of the company. There shall also be fender planks, the thickness of the depth of the rail and twelve inches wide, spiked close to both rails both on the inside and outside of said rails upon such portions as may be required by the said engineer or the parties of the first part, the same to facilitate the crossing of said rails by vehicles.

(5) The location of the line of railway in the said street or highway shall not be made until the plans thereof, showing the position of the rails and other works on the said street, shall have been submitted to and approved of by the township engineer and the reeve of the said township.

(6) That the parties of the first part shall have the right to take up any part of the streets or highways traversed by the rails, either for the purpose of altering the grade thereof, constructing and repairing of sewers or drains, or culverts, or side crossings, or for laying down or repairing gas or water pipes, and for all other purposes within the province and privileges of a municipal corporation without the company, their successors or assigns, being entitled to any compensation for damages or otherwise occasioned to the working of the railway, or tramway, or works connected therewith, and such alterations or repairs shall be made in such way as shall interfere as little as practicable with the convenient working of the railway, and in prosecuting such works, should any change be made in the grade of the Lake Shore Road by orders of the engineer or the parties of the first part, the said company shall without delay make the road or track conform with such changed grade of road so made.

(7) The rails and cars to be used by the said company, their successors or assigns, shall be of the latest approved pattern, the same to be approved

by



by the parties of the first part. All persons using the road shall be at liberty to travel upon any portion of the said travelled roadway occupied by the said railway or tramway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway, it being provided, however, that the cars of the said company, their successors or assigns, have the first right of way over the said railway or tramway, and all vehicles or persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car of the said company, their successors or assigns, so as to give them full right of way.

(8) The railway or tramway shall not be opened to the public nor put in operation until the sanction of the township council has been previously obtained by enacting a special resolution to that effect and such sanction may be granted upon a certificate from the township engineer declaring the said railway or tramway to be in good condition and constructed conformably with the conditions prescribed by this agreement in that behalf.

(9) The company, their successors or assigns, shall run at least two cars each way morning and evening on a regular time-table, at such hours as will best meet the wants of the residents and the general public.

(10) In case the electric motor or cars, used by the company, their successors or assigns, in operating the said road, whilst passing along the railway or tramway shall cause alarm to any horse travelling or being upon said roadway with vehicles or otherwise, the motors or cars of the company shall, if necessary, be stopped to enable the horses so alarmed to pass the said motor and the servants of the said company shall assist the person or persons riding, driving, or in charge of the horse or horses that may be alarmed as aforesaid, so as to prevent accident or injury to the person or persons, horse or horses, vehicles or other property of persons travelling, using or upon said roadway. So far as safely can be done without causing alarm or injury to horses or vehicles upon said roadway, the speed of the cars may be increased, not, however, to exceed, when on the public highway, at any time, to twelve miles per hour.

(11) The conductors shall announce to the passengers the names of the stations, streets, highways, and public squares as the cars reach them.

(12) When the accumulation of ice or snow is, in the opinion of the township engineer or the parties of the first part, sufficient to impede the running of the cars, the company shall, on receiving notice from him, remove the same, and no snow or ice shall be placed upon any portion of the highway without first having obtained the permission of the said engineer; and when the snow is removed from the track, the company shall slant down the snow on the roadway so as to be convenient to the travelling public to the satisfaction of the said engineer.

(13) No higher fare than fifteen cents shall be charged for the conveyance of each passenger the full distance one way on the line in the limits described herein.

(14) The company, their successors or assigns, shall be liable for all damages occasioned by reason of the existence of the rails or cars of the company upon the said highway, and the said company, their successors or assigns, shall hold the said parties of the first part in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said parties of the first part all sums payable by or recovered against the said parties of the first part in respect of any such claim, together with all costs of or incidental to such claims incurred by the parties of the first part, and such claims and costs shall be a first lien on the property of the company, their successors or assigns; provided, however, that the company, their successors or assigns, shall have been notified by the parties of the first part upon any such claim having been made.

(15) Should the company, their successors or assigns, neglect to keep their track or road or crossings or ballastings in good condition according to the terms of this agreement or to have the necessary repairs, according to this agreement made thereon, the said parties of the first part may give notice requiring such repairs to be forthwith made; and it is agreed

between

between the parties hereto that a certificate of the engineer for the time being of the parties of the first part as to the necessity of such repairs in order to keep the said track or roadway or crossing in good condition, shall be binding and conclusive upon said company, their successors or assigns, and if, after such notification given requiring such repairs to be made, the said company, their successors or assigns, do not within one week begin and carry to completion with all reasonable diligence, and complete within fifteen days from the receipt of such notice or such further time as the said engineer may allow, this agreement may by resolution of the parties of the first part be declared null and void, and the said parties of the first part shall be at liberty to remove the rails of the said company, their successors or assigns, and to place the said highway in a proper state of repair at the expense of the said company, their successors or assigns. The said company, for themselves, their successors or assigns, hereby agreeing to pay for such work on demand.

(16) The privilege and franchise granted by this agreement shall extend over a period of twenty-one years from the date hereof

(17) Upon the expiration of the privilege and franchise granted by this agreement, the company their successors or assigns, shall be entitled to a renewal of the same, and upon the expiration of such renewal term to further renewals thereof upon such terms and subject to such conditions, covenants, provisoes and stipulations as may be agreed upon between the parties of the first part on the one part and the company, their successors or assigns, on the other part, and in case the said parties are unable to agree then upon such terms, conditions, covenants, provisoes and stipulations as may from time to time on each such renewal be determined upon by arbitrators to be appointed under the provisions of *The Municipal Act*; provided, however, that at the expiration of the existing privilege and franchise granted herein, the parties of the first part may upon giving notice in writing of their intention to the company, their successors or assigns, twelve months prior to the expiration of said existing privilege and franchise assume the ownership of the railways and tramways of the company, its successors or assigns, and all real and personal property in connection with the working thereof on payment of the value of the same to be determined by arbitration.

(18) The company, their successors or assigns, shall construct and have open for travel their proposed line of railway or tramway as far as block K west of Seventh street, shown on plan No. 1043 registered by the Mimico Real Estate Security Company, within two years, and as far as Mimico avenue within three years from the first day of January, one thousand eight hundred and ninety-one, and in default thereof the company, their successors or assigns, shall forfeit all the rights, privileges and advantages granted by this agreement or acquired thereunder; and all such rights, privileges and advantages shall cease and determine as if this agreement had not been granted and the consent of the parties of the first part had not been had or obtained by the company as provided for in the said hereinbefore in part recited letters patent.

(19) The company, their successors or assigns, shall have the exclusive right and privilege to construct a railway or tramway in, along and upon the said portion of the Lake Shore Road, subject to the observance of the conditions and agreements herein contained.

(20) The parties of the first part for the time being shall be entitled to be represented by a director on the board of the said company, appointed annually by the township council and to vote upon all matters and questions relating to the construction, location, maintenance and repair of the roadway.

(21) No motive power other than electricity and horse-power shall be used on the said road in any way at any time.

(22) The services of the said township engineer in all cases to be paid by the company.

(23) That the Company, their successors or assigns, shall be subject to all by-laws and parts of by-laws of the said township of Etobicoke now in force or that may hereafter be passed in respect to highways as far as practicable.

(24) Provided always, and it is hereby agreed by and between the parties of the first part and the said company, their successors or assigns, that the said company shall commence the building of such road not later than the first day of March, 1892, and shall complete the same not later than the time hereinbefore mentioned.

(25) Provided also in the event of any other company proposing to construct railways on any of the streets in that section of the said township lying south of the present Grand Trunk Railway track, which are not occupied by the said company to whom the privileges are hereby granted, the nature of the proposal thus made shall be communicated to the said parties of the second part and the option of constructing such proposed railway shall be offered to them, but if such preference is not accepted within six months, then the said parties of the first part may grant the privilege to any such company.

(26) And provided also that in case the said parties of the first part at the time of any renewal of the franchise hereby granted shall be of opinion that the operation of the said railway might interfere less with the travelling public and with the carrying on of business on the Lake Shore Road by having the same removed from the location in which it is first placed to the centre or travelled part of the Lake Shore Road, the said parties of the first part may, having given two years' previous notice in writing, order the said company to remove their said track as aforesaid, the said company hereby agreeing to carry on and have completed the work of such removal within three years from the receipt of such notice.

In witness whereof the said corporation of the township of Etobicoke, have set their corporate seal to be hereunto affixed, and the reeve and clerk thereof have set their respective hands and the said company have caused their corporate seal to be hereunto affixed and the president thereof has set his hand the day and year first above written.

Signed, sealed and delivered in the presence of,

(Sgd.) J. D. EVANS,  
*Reeve.*

{ Seal }

(Sgd.) ALEX MACPHERSON,  
*Clerk.*

(Sgd.) F. BARLOW CUMBERLAND,  
*President.*

{ Seal }

(Sgd.) J. DAWSON,  
*Secretary.*



## CHAPTER 97.

## An Act respecting the Weston, High Park and Toronto Street Railway Company.

[Assented to 4th May, 1891.]

## Preamble.

WHEREAS the Weston, High Park and Toronto Street Railway Company are a joint stock company incorporated under *The Ontario Joint Stock Companies Letters Patent Act*, for the purpose of constructing, operating and maintaining a double or single iron railway, with all the rights, powers, and privileges mentioned in *The Street Railway Act*, in the city of Toronto, the town of West Toronto Junction and the townships of York and Etobicoke; and whereas the said company by their petition have prayed that an Act may be passed to change the name of the said company, to enlarge its powers of borrowing, and to enable the said company to enter into agreements with municipalities for the carrying on within them of the works and undertakings of the said company authorized by its charter and by this Act, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Name of company changed.

1. The name of the Weston, High Park and Toronto Street Railway Company is hereby changed and the corporate name of the said company is declared to be "The City and Suburban Electric Railway Company (Limited)."

## Increase of capital stock and issue of bonds or debentures authorized.

2. The directors of the said company are hereby authorized to make and issue from time to time, bonds or debentures of the said company not to exceed, in all, the sum of \$20,000 per mile for each and every mile of the said street railway, such bonds or debentures to be in sums of not less than \$100 each, and on such terms and credit as they may think proper, which said bonds or debentures shall be taken and considered to be the first preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments now existing, or at any time hereafter acquired, subject always to the lien of any unpaid vendor in respect of any of said property, and each holder of any of the bonds or debentures so issued shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided always that the consent of three-fourths in value of the stockholders of the company present, or represented by proxy, at any meeting,

of

## Proviso.

of the company specially called for that purpose, shall be first had and obtained.

3. Subject to the terms of the Letters Patent under which the said company is incorporated, the said company shall have full power and authority to receive, acquire and hold, for any estate in the same, all voluntary grants and donations of land or other property in aid of and necessary for the construction, maintenance and accommodation of the said street railway ; and to sell, lease, alienate and dispose of, or mortgage the same ; and shall also have power to purchase, lease, acquire and hold, for any estate in the same of any corporation or person, any land or other property necessary for the construction, maintenance, accommodation and use of the said street railway or for any of the purposes of the said company ; and to sell, lease, alienate and dispose of, or mortgage such last mentioned land or property.

Power to acquire land by purchase, etc., and to dispose of same.

4. The said company is hereby authorized to purchase lease or acquire by voluntary donation or otherwise, and to hold, for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended and necessary and suitable for park or pleasure grounds not exceeding 100 acres and being situate in the city of Toronto, the town of West Toronto Junction, or the townships of Etobicoke or York, or partly in one and partly in another of the said municipalities ; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and to increase, but not beyond the limit of the said 100 acres, the area of such lands, from time to time ; and may make and enter into any agreement or arrangements with the municipal corporations of the county of York and townships of York and Etobicoke and the city of Toronto and the town of West Toronto Junction, or any of them, in respect thereto ; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section ; provided, moreover, that the company shall not, under any of the provisions of this section, have any right or power to purchase, lease or acquire any lands after the lapse of four years from the passing of this Act.

Power to acquire lands for parks, etc.

Proviso.

5. The said company may construct, maintain and operate works for the production of electricity for the motive power of the said railway and for lighting and heating the rolling stock of the company, and the said company may sell or lease the electricity so produced to any person or corporation, and for such purpose shall possess the powers, rights and privileges conferred

Production of electricity.

Rev. Stat., c.  
165.

Agreements  
with munici-  
palities or  
other com-  
panies.

conferred upon joint stock companies incorporated under the *Act respecting Companies for Steam and Heating or for supplying Electricity for Light, Heat or Power.*

6. Subject to the provisions contained in the Letters Patent incorporating the company, and subject also to the provisions of this Act, the company from time to time may, for the carrying on of the works or undertakings of the company, enter into any agreement with any municipality having power to make the same; and may also from time to time enter into an agreement for leasing its line to any other incorporated street railway company, or for the use of or for running powers over the line of any such company, having power to make such an agreement.

## CHAPTER 98.

An Act to incorporate the Roman Catholic Bishop of the Diocese of Alexandria in Ontario, Canada.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS by an Act passed in the 8th year of the reign of Her Majesty Queen Victoria and chaptered 82, intituled, "An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston in Canada in each Diocese," the then Bishops of the Diocese of Toronto and Kingston and their successors in communion with the Church of Rome, were declared to be each respectively a body corporate in deed and in name, in his respective diocese aforesaid with a corporate name as therein determined, and that each of them by his separate name should have perpetual succession and a common seal with powers thereto as therein defined and with power "to have, hold, purchase, acquire, possess and enjoy for the general use or uses eleemosynary, ecclesiastical or educational of the said church, or of the religious community, or of any portion of the same community within his diocese any lands, tenements or hereditaments within the Province of Canada" and with power to sell and otherwise dispose of the same as therein limited and also with power to sue and be sued, implead and be impleaded, answer and be answered unto in all courts of law and equity, in as large, ample and beneficial a manner as any other body corporate or any other person may or can sue or be sued, implead or be impleaded, answer or be answered unto in any manner whatsoever; and whereas by the 9th section of the said Act it was enacted that "whenever it may be deemed



deemed expedient to erect any new diocese or dioceses in that part of the Province formerly called Upper Canada, the Bishop or Bishops of such new diocese or dioceses and his or their successor or successors for the time being shall have the same powers as are by this Act conferred upon the said Bishops of Kingston and Toronto respectively; and whereas the new diocese of Alexandria in communion with the Church of Rome has recently been elected in Ontario within the meaning of the said Act, and the said new diocese, prior to the same, being so erected formed a part of the said diocese of Kingston; and whereas the Right Reverend Alexander Macdonnell, the Roman Catholic Bishop of the said diocese of Alexandria, has petitioned this Legislature to pass an Act incorporating the Roman Catholic Bishop of the diocese of Alexandria and for greater certainty, with the corporate name and the power as to acquiring, possessing, holding, enjoying and disposing of lands, tenements and hereditaments and such other powers and privileges as hereinafter in this Act are more particularly mentioned and set forth; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act the said Right Reverend Alexander Macdonell and his successor and successors being Bishop of the diocese of Alexandria aforesaid, in communion with the Church of Rome, shall be and are hereby declared to be a body corporate in the diocese aforesaid by and with the corporate name of "The Roman Catholic Episcopal Corporation for the Diocese of Alexandria, in Ontario, Canada."

Bishop of  
Alexandria  
incorporated.

2. The said corporation is hereby enabled and empowered to acquire either by deed of conveyance or by will any lands, tenements or hereditaments within the Province of Ontario and to have, hold, possess, and enjoy the same for the general uses and purposes, eleemosynary, ecclesiastical or educational of the said diocese of Alexandria or of any portion thereof with power to convey or alienate the same or any part thereof in the manner hereinafter provided, either by sale, exchange, mortgage, assignment, release, demise or other disposition thereof for such estates or terms of years, either absolutely or conditionally as may be determined upon.

Power to  
acquire lands  
by deed or  
will.

3. Subject to all existing rights of property therein and to all liens and encumbrances therein, had or held by or vested in any person other than the said Right Reverend Alexander Macdonell, the soil and freehold, as well as the fee of all lands, tenements and hereditaments and of all burial grounds and churches and chapels now belonging to and used, held, occupied

Property  
vested in  
episcopal  
corporation.

pied, possessed or enjoyed by the said Right Reverend Alexander Macdonell or his church in communion with the Church of Rome as aforesaid, and of all churches and chapels now being erected or to be hereafter erected in the said diocese of Alexandria and in communion with the Church of Rome as aforesaid, shall be and are hereby declared to be vested in the said corporation for the general uses and purposes aforesaid, the Acts of Parliament commonly called the statutes of Mortmain or other Acts, laws and usages to the contrary notwithstanding.

Registration  
of bills devis-  
ing lands to  
corporation.

4. Any will containing a devise of any such lands, tenements or hereditaments or any interest therein to or in favour of the said corporation shall be made and executed, at least six months, before the death of the person making the same and shall be duly registered according to law within twelve calendar months after such death, otherwise such devise shall be void and of no effect; Provided always that in case the said corporation is disabled from registering any such will within the said time by reason of the contesting thereof or by any other inevitable difficulty, without the wilful neglect or default of the said corporation then the registration of said will within the space of twelve months, next after attainment by said corporation of such will or probate thereof or the removal of the impediment aforesaid shall be a sufficient registration within the meaning of this section.

Registration  
of convey-  
ances.

5. All deeds of any real estate made and executed by or in favour of the said corporation (except leases for a term not exceeding twenty-one years) shall be duly registered according to law within twelve calendar months after the making and execution thereof, otherwise the same shall be void and of none effect.

Trustees  
empowered to  
convey  
to corporation.

6. It shall be lawful for any person in whose name any lands, tenements or hereditaments, within Ontario, are now or shall or may be hereafter vested in trust or otherwise for the benefit either of the said Bishop of the said diocese of Alexandria for the time being or of the said corporation from time to time to convey, assign or transfer by deed all or any of the said lands, tenements or hereditaments unto the said corporation for the general uses and purposes aforesaid as provided by this Act.

Corporation  
empowered to  
borrow funds  
on lands.

7. The said corporation shall have power to borrow moneys on mortgage security of the real estate of said corporation for the purpose of purchasing real estate for any of the purposes of the said corporation or for the purpose of erecting, finishing or repairing any church, chapel, seminary or clergyman's residence, or any building for any of the said purposes, eleemosynary, ecclesiastical or educational erected or to be erected

erected, and for enlarging the same or to pay off any debt which may have been or may be incurred by such corporation hereafter: Provided that the person or persons or corporation from whom such money shall be borrowed on any such mortgage security shall not be obliged to see to the application of the said moneys or any part thereof. Proviso.

8. The Bishop of said diocese, for the time being is hereby enabled to execute all conveyances in the name of the said corporation, but it shall not be lawful for such Bishop to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole or any part of the lands, tenements or hereditaments, acquired or held or to be hereafter acquired by the said corporation under and by virtue of this Act or the title to which is confirmed to said corporation by this Act without the consent in writing of his Coadjutor or Senior Vicar-General and one additional clergyman to be selected or named by the said Bishop for the time being, and in case there shall happen to be no Coadjutor or Vicar-General or in case either of them shall be incapacitated by sickness, infirmity, or any other cause or shall happen to be necessarily absent at the time, then of two clergymen to be selected or named by the said Bishop, all such selections or nominations and such consent to appear upon the face of the deed, or other instrument in writing intended to be executed by the parties and to be testified by the said Bishop and Coadjutor or Senior Vicar-General and one additional clergyman or by such two clergymen as aforesaid, as the case may be, being made parties to and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively. Execution of deeds, etc.

9. A declaration on the face of the deed, mortgage or other instrument that it has been executed by the persons and in the manner mentioned in the last preceding section is to be sufficient evidence of the matters therein referred to. Evidence of due execution of deeds.

10. Any statutory discharge of mortgage required to be given by the said corporation shall be deemed to be sufficiently valid if executed by the Bishop of the said Diocese for the time being and his Coadjutor or Senior Vicar-General, with one additional clergyman or by two clergymen in the event of there being neither Coadjutor nor Senior Vicar-General, with the seal of the said corporation affixed thereto and no recitals shall be necessary therein or therefor. Execution of discharges.

11. In case the Bishop, for the time being, of said diocese shall, from sickness, infirmity or any other cause, become incapable or be incapacitated to perform his duties in the said diocese, then his Coadjutor or the person or persons administering the diocese for the time being shall, during such sickness Powers of coadjutor.



ness, infirmity or incapacity, have the same powers as are by this Act conferred upon the said corporation or the said Bishop.

Certain lands transferred to and vested in corporation.

**12.** All lands, tenements and hereditaments within Ontario heretofore conveyed, demised, devised or otherwise assigned to and now vested in the Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada and situate in the counties of Glengarry and Stormont in the Province of Ontario, and all rights and equities in respect of the same do stand in the name of and are hereby transferred to and absolutely vested in the said the Roman Catholic Episcopal Corporation for the Diocese of Alexandria, in Ontario, Canada. Provided that this section shall not be construed to affect any existing rights or equities as against said lands in the hands of third parties.

Existing rights not affected.

**13.** Nothing herein contained shall affect or be construed to affect in any manner or way the rights of any person or persons or of any body, politic or corporate such only excepted as are hereinbefore mentioned and provided for.

Rev. Stat. c. 1, s. 8 (24) to apply.

**14.** For the purpose of avoiding doubt it is hereby declared that all the powers described in sub-section 25 of section 8 of *The Interpretation Act* in reference to corporations aggregate shall be possessed by the corporation hereby created.

Trusts affecting lands situate within Glengarry and Stormont to be executed by corporation.

**15.** Whenever under any deed, will, appointment or other instrument the said the Roman Catholic Episcopal Corporation for the Diocese of Kingston, in Canada, shall have been appointed trustee or one of several trustees in relation to any lands situate within the said counties of Glengarry and Stormont the said the Roman Catholic Episcopal Corporation for the Diocese of Alexandria, in Ontario, Canada, shall be the trustee or one of the trustees, as the case may be, in the place and stead of the said the Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada, and shall exercise all the trusts and powers designated in the instrument creating the same.

Form of conveyance to corporation.

**16.** For the purposes of the said corporation deeds or conveyances in the form and with the recitals as set out in schedule A hereunto annexed or those in similar form or with similar recitals may be used for the objects specified therein or intended thereby or for any similar object.

# SCHEDULE A.

(Section 16.)

This indenture made in duplicate the            day of            one thousand  
hundred            in pursuance of the Act respecting short forms  
of conveyances (mortgages or leases, as the case may be).

Between the Roman Catholic Episcopal Corporation for the Diocese of  
Alexandria in Ontario, Canada, of the first part; *Donald McMillan, (or  
as the case may be)*, of etc., of the second part; The Right Reverend  
Alexander Macdonell (*or as the case may be*), Bishop of the said Diocese,  
of the third part; and the Right Reverend or Very Reverend Coadjutor  
Bishop or Vicar-General (*as the case may be*), and the Reverend  
clergyman of said Diocese            or            (*naming two clergymen if  
there be neither Coadjutor nor Vicar-General and adding recital to that  
effect*), of the fourth part.

Whereas the parties hereto of the first part have contracted with  
the party hereto of the second part, for the sale (*mortgage, lease,  
etc.*), of the lands hereinafter described; and whereas the party hereto of  
the third part is the present Bishop of said Diocese, and the parties hereto  
of the fourth part are the proper persons whose consent is necessary to  
this conveyance, under the terms of the statute incorporating the parties  
of the first part; and whereas the parties hereto of the fourth part join  
in this conveyance in order to testify in writing their consent to the sale  
(*mortgage, etc.*) as aforesaid, pursuant to said statute.

Now therefore this indenture, etc., as in other conveyances.

(*Here insert covenants*).

The parties hereto of the fourth part hereby consent to this conveyance  
and are made parties herein and execute the same for the purposes here-  
inbefore set forth.

In witness whereof the said parties hereto have hereunto set their  
hands and seals, the seal of the said corporation being affixed by the  
party of the third part.

Signed, sealed and delivered in the	}	(L. S. C.)
presence of two credible witnesses.		(L. S.)
A. B.		(L. S.)
C. D.		(L. S.)

## CHAPTER 99.

An Act to enable the Synod of Huron to consolidate  
and manage its Trust Funds.

[Assented to 4th May, 1891.]

WHEREAS the Incorporated Synod of the Diocese of Preamble.  
Huron, at their meeting in the month of June, A.D.,  
1890, adopted a resolution for the consolidation of the trust  
funds of the said synod, and referred the matter to the execu-  
tive committee of the said synod to take such steps, including  
legislation by parliament, as might be necessary to carry the  
same

same into effect; and whereas pursuant thereto, the said executive committee at their meeting in December last, adopted the following;—

1. That the several trust funds and securities now, or which shall at any time hereafter be held by the synod, be consolidated into one fund, so as to form but one investment account, and that the profits derived therefrom, after payment of expenses, be distributed to those entitled, *pro rata*, according to the respective capital of each trust.

2. That for the purposes aforesaid, all securities for money held by the synod upon any trust, and all income-producing real estate, vested in and managed by the synod, on the 30th day of April, 1891, shall be valued as of that date (less any interest and rents past due at the time, and accrued interest and rents); and the amount of such value, together with any cash held by the synod at that date, belonging to the capital of any of the trust funds of the synod, shall form the capital of said consolidated fund, and the amount in value of the securities of any trust ascertained as aforesaid, together with any cash capital held by the synod at that date for such trust, and the amount of the value of the real estate, if any, then belonging to that trust shall be deemed to be, and be treated as, the amount of the then total capital of such trust. Provided always that in valuing such real estate the value thereof shall be taken to be such an amount as if invested at six per cent. per annum, would produce about, but not more than, the amount of the net income then being derived from such real estate. But in case of sale of such real estate by the synod at any time thereafter, then the amount of the net proceeds of such sale shall be substituted in the capital of such trust, and in the capital of said consolidated fund, for the amount of the value of such real estate ascertained as aforesaid.

3. That the amount of all interest and rents past due, and all interest and rents accrued at said 30th day of April, 1891, upon all or any of the trust funds of the synod shall immediately thereafter be ascertained, and the amount thereof, less expenses, be credited to the trusts to which they pertain respectively, and be paid to those entitled thereto in two equal payments, on the first days of August and November thereafter. Provided nevertheless that in case a loss should occur upon any of such securities, whereby any part of such past due interest or accrued interest or rents are lost, after the amount of same shall have been disbursed as aforesaid, then, and in such case, such loss shall be a charge upon the future income of the trust to which belonged the security upon which such loss occurred.

4. That immediately after the 30th day of April in each year, the net profits of said consolidated fund for the previous year, up to said 30th day of April, shall be ascertained and be carried to the credit of the income of the various trust funds



funds forming said consolidated fund, *pro rata*, according to the amount of the capital fund of each, ascertained as aforesaid. And the amount of the net profits of said consolidated fund for the coming year shall then be approximated, and each *cestui que trust*, entitled to receive the income of any of such trust funds, shall be paid quarterly, on the first days of August, November, February and May, (*pro rata*, according to his interest in the premises), a sum equal to such proportionate part of the amount of said approximated profits as the executive committee of synod shall, from time to time, sanction. And on the first day of August following his *pro rata* share of the balance, if any, of the then past year's income, according to the profits of the said year, ascertained as hereinbefore provided. And such payment shall be a full discharge of the trust by the synod as regards said year's income of such trust.

5. That the Legislature of Ontario be applied to for an Act enabling the synod to carry the foregoing into effect ; And whereas the said synod have petitioned for an Act accordingly, and have shown that such an Act will greatly facilitate the objects for which the several trusts to which the said funds belong were created ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Incorporated Synod of the Diocese of Huron to consolidate into one fund the trust funds and securities, including income-producing real estate, now or which shall at any time hereafter be held by the said synod so as to form but one investment account, and to distribute the income and profits derived therefrom, after payment of expenses, to and among those entitled, *pro rata*, according to the respective capital of each trust, and to do all things necessary for fully effectuating that object. Consolidation of trust funds

2. It shall be lawful for the said synod in the exercise of the powers conferred upon them by the preceding section of this Act and in the carrying out of the said scheme of consolidation, to adopt and follow the details and provisions set out in the said report of the executive committee which is hereby confirmed and declared to be valid, with power to vary the same from time to time in such manner as the said synod may deem expedient, and the circumstances of the case may require. Mode of carrying out consolidation.

3. It shall be lawful for the said synod to pass canons or by-laws from time to time, as they shall see fit, for more fully effectuating the objects of this Act. Synod empowered to pass necessary by-laws.

## CHAPTER 100.

## An Act to amend the Act incorporating The Synod of the Diocese of Niagara.

[Assented to 4th May, 1891.]

Preamble.

**W**HEREAS the synod of the diocese of Niagara has by its petition prayed that an Act may be passed to amend in certain respects the Act passed in the 39th year of Her Majesty's reign and chaptered 107, incorporating the said synod; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

39 V., c. 107,  
s. 10 repealed.

**1.** Section 10 of the "*Act to incorporate the Synod of the Diocese of Niagara*" is repealed and the following substituted therefor:

Investment of  
funds of  
synod.

**10.** All the funds belonging to the synod or entrusted to its care, including those derived from the sale of rectory lands shall be invested only in government securities or in municipal debentures or mortgages forming the first charge upon real estate in Ontario, or upon such other securities as trustees are or shall be authorized to invest trust funds by any Act of the Province of Ontario or upon such other securities as are now or shall hereafter be recognized by the High Court of Justice of the Province of Ontario, or any division thereof, as proper for the investment of trust funds by trustees, with power to alter and vary such investments from time to time by substituting others of a like nature; provided that nothing in this Act contained shall be construed to give the said synod power or authority to apply the income derived from any such investments otherwise than in strict accordance with the special trusts relating to such funds respectively.

Proviso.

Consolidation  
of trust funds  
of synod.

**2.** It shall be lawful for the synod of the Diocese of Niagara to declare and enact by by-law, that all personal property, securities and moneys now, or which may hereafter become vested in or held by the said synod in trust shall be held, managed and invested as one general trust fund, and to make such lawful investments of the same in such sums, and at such rates of interest as the said synod may from time to time determine; but nothing herein contained shall authorize the said synod to alter the trusts upon which the said personal property, securities or moneys are now vested in or held by the said synod, except as heretofore authorized so to do.

3. Separate and distinct accounts of each and every such trust property, securities or moneys, showing the capital of the same, shall be kept by the said synod and the interest and profits received or accruing from the several investments so made of the whole of the said general trust fund shall be divided among the several trust funds as aforesaid *pro rata* equally in the proportion borne by each separate trust fund to the whole general trust fund after deducting from such receipts the expenses of management, investment and administration, and the payment of such *pro rata* sum shall be a full discharge of the said synod in respect of the said trust.

Separate account of each trust to be kept.

4. The said synod may exercise the powers hereby conferred (other than the making of by-laws) by and through such boards or committees as the said synod may from time to time appoint.

Mode of exercising powers conferred by Act.

5. Any real estate which may be granted or devised to the incumbent and churchwardens appointed under the rules and regulations of the said synod, under section 7 of the said Act, may be conveyed to the incumbent and churchwardens as a corporation with perpetual succession in the name of "the incumbent and churchwardens of the Church of in the parish of in the diocese of Niagara": said corporation shall and may sue and be sued and sue and be answered unto in all manner of suits, actions or proceedings whatsoever for and in respect of such real estate, and shall have all the powers, and shall be subject to the provisions declared and set forth in the said section.

Lands devised or granted to incumbent and churchwardens, how held.

## CHAPTER 101.

An Act to enable the Incorporated Synod of the Diocese of Toronto to consolidate and manage its Trust Funds.

[Assented to 4th May, 1891.]

WHEREAS the Incorporated Synod of the Diocese of Toronto, through its executive committee, have petitioned for an Act authorizing the said synod to consolidate and manage and invest the trust funds under the control of the said synod as one undivided fund; and whereas such an Act will greatly facilitate the objects for which the several trusts to which the said funds belong, were created; and whereas it is expedient to grant the prayer of the said petition:

Preamble.

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Consolidation  
of trust funds.

1. It shall be lawful for the Incorporated Synod of the Diocese of Toronto, to declare and enact, by canon or by-law, that all personal property, securities, and moneys now, or which may hereafter become vested in, or held by, the said incorporated synod in trust, shall be held, managed, and invested as one general trust fund, and to make such lawful investments of the same in such sums, and at such rates of interest, as the said incorporated synod may from time to time determine. But nothing herein contained shall authorize the said incorporated synod to alter the trusts upon which the said personal property, securities, or moneys, are now respectively vested in or held by the said incorporated synod, except as herein or heretofore authorized.

Accounts of  
investments of  
trust funds.

2. Separate and distinct accounts of each and every such trust showing the capital of the same, shall be kept by the said incorporated synod and the interests and profits received or accruing from the several investments so made of the whole of the said general trust fund shall be divided amongst the several trusts as aforesaid *pro rata*, in the proportion borne by each separate trust fund to the whole general trust fund, after deducting from such receipts the expenses of management, investment and administration, and the payment of such *pro rata* sum shall be a full discharge of the said synod in respect of the said trust.

Mode of exer-  
cising powers.

3. The said incorporated synod may exercise the powers hereby conferred (other than the making of canons and by-laws) by and through such boards or committees as the said synod may from time to time appoint.

## CHAPTER 102.

### An Act respecting the Church of St. John the Evangelist at Ottawa.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS by deed of conveyance, dated 27th December, 1882, after reciting as therein recited, Henry Grist did unconditionally grant, convey, assign, transfer and set over unto the Reverend Henry Pollard, an incumbent of the church  
of

of St. John the Evangelist, a church in communion with the United Church of England and Ireland in the city of Ottawa and Province of Ontario, and his successors in office, all and singular the lands and premises therein and hereinafter described upon trust for Sunday school purposes in connection with the said church, and such other uses and purposes as the vestry of the said church might appoint; and whereas in and by the said deed there was no reservation of any interest in the said lands to the grantor or his representatives, and in no event could any resulting use or trust arise thereunder; and whereas it is doubtful whether the effect of the said conveyance is to vest the said lands in the said incumbent and the churchwardens of the said church; and whereas the said incumbent and churchwardens have caused to be erected upon the said lands a parsonage, a Sunday school and other buildings in connection therewith, and in such erections have incurred a liability to the amount of \$16,000; and whereas the said incumbent and churchwardens have petitioned for an Act vesting all the said lands in them and their successors in office and empowering them to borrow from any person or corporation the said sum of \$16,000, at such rate of interest as may be by them agreed on and to grant, assign and mortgage the said lands and premises unto any person or corporation so lending the same, his, her or their heirs, executors, administrators, successors and assigns as security for the due payment of the money when borrowed and of all interest thereon until paid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said lands, being all and singular that certain lease hold, parcel or tract of land and premises, situate, lying and being in the city of Ottawa, in the county of Carleton, in the Province of Ontario and Dominion of Canada, being composed of town lot lettered A on the west side of Sussex street in the said city of Ottawa, with all and singular the buildings thereon erected, lying and being and all the estate, right, title, term and terms of years yet to come and unexpired, trust, property, possession, right of renewal, right of pre-emption, claim and demand, whatsoever both at law and in equity of the said Henry Grist, of, in, to and out of the said lands and premises (subject to the rent, covenants, conditions and agreements in the original lease of the said lot reserved and contained), and also all the estate, right, title, interest, term and terms of years to come and unexpired, trust, claim, property, possession, right of pre-emption or purchase right of renewal and demand, whatsoever both at law and in equity of the said Henry Grist, of, in, to and out of all the land lying between the rear or westerly end of the said lot A and the easterly side of McKenzie avenue and bounded on the north and

Lands vested in incumbent and churchwardens.

and south by the side lines of the said lot A, produced westerly to the easterly side of the said McKenzie avenue; and also all that portion of the south half of lot lettered B on the west side of Sussex street aforesaid in the said city of Ottawa and all the privileges and easements in and by the said deed purported to be granted, are duly vested in the Reverend Henry Pollard, incumbent of the church of St. John the Evangelist, a church in communion with the United Church of England and Ireland in the city of Ottawa, and his successors in office for the time being and the churchwardens of the said church and their successors in office for the time being, for all the title vested in Henry Grist on the 27th day of December, 1882, being the day of the date of the conveyance from the said Henry Grist to the said the Reverend Henry Pollard to hold the said lands for use of a parsonage, Sunday school house and other buildings erected thereon in connection therewith.

Power to  
borrow  
\$16,000.

2. The Reverend Henry Pollard, the incumbent of the church of St. John the Evangelist at Ottawa, and his successors in office for the time being and the churchwardens of said church and their successors in office for the time being shall have power to borrow at interest from any person or corporation a sum of money not to exceed \$16,000, for the purpose of paying off the liabilities incurred by them in the erection of a parsonage, Sunday school house and other buildings in connection therewith on the lands hereinbefore described.

Power to  
mortgage  
lands.

3. The said the Reverend Henry Pollard as such incumbent and his successors in office for the time being and the said churchwardens and their successors in office for the time being shall have power to grant, assign and mortgage the said lands and premises, privileges and easements for all the estate by this Act vested in them and their successors to any person or corporation, his, her or their heirs, executors, administrators, successors and assigns to secure the payment of the said money so borrowed and the interest thereon at such rate as shall be agreed to be paid.

Mortgagee  
need not see to  
application  
of money.

4. The mortgagee or mortgagees shall not be bound to see the application of the moneys so borrowed.

Form of  
mortgage.

5. Such mortgage may contain a power of sale in default of payment of principal or interest and such other powers, covenants and conditions as the said incumbent and churchwardens and their successors in office for the time being shall consider expedient.



6. The power hereby given to grant, assign and mortgage the said lands and premises for the said debt and interest shall authorize and empower the said incumbent and churchwardens and their successors in office for the time being from time to time to change and vary the said loan or any part thereof and to execute a new mortgage or mortgages of the said lands and premises until the said debt and interest shall have been fully paid and satisfied.

Power to vary mortgages and execute new ones.

## CHAPTER 103.

### An Act respecting Trinity Church, Toronto.

*[Assented to 4th May, 1891.]*

**W**HEREAS the rector and churchwardens of Trinity Church, Toronto, have by their petition represented that under and by virtue of an Act of the Legislature of the Province of Ontario, passed in the 51st year of Her Majesty's reign, and chaptered 90, certain lands and premises therein described were vested in them for the benefit of the congregation of Trinity Church, Toronto, and certain leases of various parts of the said lands and premises were declared valid and binding; that before the vesting in them of the said lands and premises as aforesaid Daniel Wilson, B. Homer Dixon, and Archibald Hamilton Campbell, for some time acted as trustees thereof, and as such trustees granted leases of various parts of the said lands and premises with covenants for renewal and payment for buildings and improvements, and in other respects acted as trustees; and whereas it is desirable to confirm and make binding the said leases upon the said rector and churchwardens of Trinity Church, Toronto; and whereas the said Daniel Wilson, B. Homer Dixon, and Archibald Hamilton Campbell have ceased to act in the execution of the said trust and desire to be released from all liability in respect thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All leases of the lands and premises referred to, or of any parts thereof, granted by the said Daniel Wilson, B. Homer Dixon, and Archibald Hamilton Campbell as trustees of Trinity Church, Toronto, are hereby confirmed and the terms thereby granted with the provisions therein contained

Leases made by trustees to be binding on churchwardens.

contained are hereby declared to be valid and binding upon, and may be enforced by the said rector and churchwardens of Trinity Church, Toronto.

Release of  
trustees from  
liability.

2. The said Daniel Wilson, B. Homer Dixon and Archibald Hamilton Campbell, and each of them and their and each of their heirs, executors, administrators, and their and each of their estate, property and effects, are hereby absolutely released and discharged of and from all actions, accounts, claims and demands whatsoever for or in respect of their dealings with the said lands and premises and in connection with the trusts thereof, and for and in respect of any sale, lease, loan, investment, act or thing, made, done, or executed, or neglected, or omitted by them, or any of them in or about the said lands and premises or any part or parts thereof, or in connection with the trusts thereof and for and in respect of any covenant, promise, or agreement made by them or any of them in connection therewith.

## CHAPTER 104.

An Act to amend the Acts incorporating the College of Ottawa.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS the corporation of the College of Ottawa have by their petition prayed that an Act may be passed to enable, subject as hereinafter provided, any college, seminary or other institution established in Ontario for the promotion of literature, science or art, or for instruction in law, medicine or mechanical science, upon application to affiliate and connect with the University of the College of Ottawa; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

48 V., c. 91  
s. 4, amended.

1. Section 4 of the Act passed in the 48th year of Her Majesty's reign, chaptered 91, intituled *An Act to amend the Acts incorporating the College of Ottawa*, is hereby amended by striking out the words "other than Ontario" in the third line of said section, and adding thereto the following:—

Proviso.

"Provided always that no college, seminary or other institution of learning in the Province of Ontario now in affiliation with the University of Toronto, and no university in the Province of Ontario shall affiliate to or connect with the said University of the College of Ottawa."

CHAPTER

## CHAPTER 105.

## An Act respecting the Equitable Life Assurance Society of the United States.

[Assented to 4th May, 1891.]

**W**HEREAS the Equitable Life Assurance society of the Preamble United States, a corporation duly incorporated according to the laws of the State of New York and carrying on the business of life insurance throughout the Dominion of Canada, including the Province of Ontario, in accordance with a license duly granted to the said society under the provisions of *The Insurance Act*, has shown by its petition that it is desirous of investing a portion of its funds in mortgages on real and leasehold property and other securities within the Province of Ontario and in the purchase of real estate for the purposes of its business within the said Province; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Equitable Life Assurance Society of the United States may, in its said corporate name, on such terms and conditions as may be satisfactory to it, lend or advance money by way of loan, or otherwise, on the security of real estate within the Province of Ontario, or on public securities of Canada, or any Province thereof, or on the security of debentures of any municipal corporation of the Province of Ontario, or on the debentures of any other corporation carrying on business within the Province of Ontario, and whether such debentures, or any of them, are a charge on real estate or not; or in or upon such stocks or bonds or other securities as the said society is authorized to hold or lend money upon, and may buy or sell any mortgage or pledge of freehold or leasehold lands within the said Province, and may sell or dispose of the said securities, or any of them, from time to time, as it may be entitled, or as may be agreed upon; and may execute all necessary deeds, leases, assignments, releases, discharges and other instruments in its corporate name that may be necessary or incidental to the loaning or advancing of any moneys as herein provided, or otherwise in respect thereof.

Power to lend money on certain securities.

2. The said society may, in its said corporate name, take all proceedings authorized by the laws of the Province of Ontario for the recovery or realization of the moneys secured by any of such mortgages or securities; and generally may, in its corporate name, exercise the same powers and use and take the same remedies

Power to enforce repayment of loans.



remedies and proceedings to enforce payment of any debt or demand, whether for principal, interest, damages, costs or otherwise, as any person may by law use or take for the like purpose.

Power to acquire and hold real estate.

Proviso.

**3.** The said society may acquire by foreclosure or other proceedings in the realization of, or for the protection of its investments, and may hold freehold and leasehold property so acquired in the said Province of Ontario, and may sell, lease, mortgage and otherwise dispose of such freehold and leasehold property; provided that the said society shall sell and dispose of any lands on the security of which the society may have made advances, and to which it may acquire title by such foreclosure or other proceedings aforesaid, or by the release of the equity of redemption therein, within seven years from the date of such foreclosure or release.

Power to acquire real and leasehold property for purposes of company.

**4.** The said society may also acquire for the purpose of or in connection with its business of life insurance real and leasehold property in the Province of Ontario, the annual value whereof, exclusive of any buildings which it may erect thereon, shall not, without the consent of the Lieutenant-Governor in Council, exceed \$25,000, and may hold the property so acquired by it.

## CHAPTER 106.

### An Act respecting the Grand Legion of Ontario Select Knights of Canada.

*[Assented to 4th May, 1891.]*

Preamble.

**W**HEREAS the Grand Legion of Ontario Select Knights of Canada, a corporation duly incorporated according to the laws of the Province of Ontario, have by their petition represented that they are a benevolent and provident society, and further that they are desirous of investing a portion of their funds in mortgages on real and leasehold estate within the said Province, and in other securities within the Province in which insurance companies and benevolent and provident societies usually invest their funds, and also are desirous of acquiring real estate within the said Province for the purpose of their business; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Grand Legion of Ontario Select Knights of Canada may hereafter in its said corporate name, on such terms and conditions as may be satisfactory to the society, lend and advance money by way of loan or otherwise on the security of real estate, in the Province of Ontario, and may within the said Province lend or advance money on the public securities of Canada, or any of the Provinces thereof, or on the security of debentures of any municipal or other corporation of the Province of Ontario, and whether the same are a charge on real estate or not, or upon such stocks, or bonds, or other securities as the society are authorized to hold or lend money upon, and may buy or sell any mortgage or pledge of freehold or leasehold lands within said Province, and may advance or loan money on such securities, and sell, assign, or dispose of the same, or any thereof, from time to time, and execute all necessary deeds and instruments.

Society  
empowered to  
lend money on  
certain  
securities.

2. The said society may, in its said corporate name, proceed on such mortgages or securities as they are hereby authorized to invest in for the recovery of the moneys thereby secured, and generally, may in its corporate name pursue the same course, exercise the same powers, and use and take the same remedies to enforce payment of any debt or demand due to the said society, as any person may by law take or use for the like purposes.

Power to  
enforce  
payment of  
moneys  
loaned.

3. The said society may hold such real or leasehold property in the said Province of Ontario, as may be acquired by them by foreclosure or otherwise in the realization of or for the protection of their investments, and may from time to time sell, mortgage, lease or otherwise dispose of the same.

Power to  
acquire real  
estate and  
leasehold.

4. The said society shall sell or dispose of real estate to which it may acquire a title in fee simple by foreclosure or by the release of the equity of redemption therein within seven years from the date of the foreclosure or release, and any real estate which is not within the said period disposed of as hereinbefore required, shall be forfeited to and become vested in the Crown; provided always that this section shall not apply to any real estate acquired by the society for the purposes of their business.

Power to  
sell and  
dispose of  
real estate.

Proviso.

## CHAPTER 107.

## An Act respecting the City of Kingston Gas Light Company and the Kingston Electric Light Company.

[Assented to 4th May, 1891.]

Preamble.

WHEREAS the City of Kingston Gas Light Company hereinafter called the "gas company" was incorporated by an Act passed in the 11th year of Her Majesty's reign for the purpose of supplying the said city with gas lights and has continued in operation up to the present time, and has acquired authority to manufacture and supply electric, galvanic or other artificial light and to acquire any patent or other rights for the manufacture or production of any artificial lights and to manufacture or buy and also to sell or lease any apparatus or machinery required for the use of the said company; and whereas the Kingston Electric Light Company, hereinafter called the "electric light company," was on the 21st day of January, 1886, incorporated by letters patent under *The Ontario Joint Stock Companies Letters Patent Act* and an Act passed in the 45th year of Her Majesty's reign intituled "*An Act respecting Companies for supplying electricity for the purposes of Light, Heat and Power*," with authority to furnish light and motive power for the running of machinery in the said city of Kingston and elsewhere in the county of Frontenac and has been engaged in furnishing light by means of electricity in the said city of Kingston since the time of its incorporation; and whereas with the consent of the shareholders of the said gas company, an agreement bearing date the 31st day of October, 1889, and set out in schedule "A" to this Act, was entered into between the said gas company and the shareholders of the said electric light company whereby the said gas company agreed to purchase the whole of the plant and assets of the said electric light company at a valuation to be fixed by arbitration and to pay therefor in stock of the said gas company; and whereas the said agreement has been carried into effect and the plant and assets of the said electric light company have been transferred to the said gas company, and the said gas company has, under the powers contained in its charter, increased the stock thereof to the sum of \$100,000, and has allotted to the shareholders of the said electric light company a proportion of the said stock representing the value of the plant and assets of the electric light company; and whereas the said gas company and the said electric light company and the shareholders of the said electric light company have by their petition prayed that the said gas company may be authorized to increase the capital stock thereof to the sum of \$250,000, and that the said gas company may have power

to



to issue debentures for the payment of any debt now due by it or which might hereafter be lawfully incurred by it either for improvements or for other purposes, and that the charter of the said company may be extended, and that the name of the said gas company may be changed to the "Kingston Light, Heat and Power Company;" and whereas the capital stock of the said gas company having become impaired the value thereof was with the consent of the shareholders reduced from the sum of \$100 per share to the sum of \$77.50, and the said petitioners have prayed that such reduction may be confirmed and have further prayed that the said agreement between the said gas company and the said electric light company may be confirmed, and the amalgamation of the said companies completed and the powers thereof extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said City of Kingston Gas Light Company is hereby changed to, and the corporate name of the said company is declared to be "The Kingston Light, Heat and Power Company".

Name of gas  
light company  
changed.

2. The said agreement between the said gas company and the shareholders of the said electric light company set out in schedule "A" to this Act, is hereby confirmed and declared to be valid and binding upon the parties thereto, and all the franchises, stock, property, business and assets of the said electric light company are hereby vested in the Kingston Light, Heat and Power Company, subject always to the provisions hereinafter contained.

Amalgama-  
tion with  
electric light  
company  
confirmed.

3. The said Kingston Light, Heat and Power Company shall hereafter possess all the rights, powers and privileges statutory or otherwise which are possessed by the said electric light company at the time of the said transfer and as regards the city of Kingston and adjoining municipalities, the said Kingston Light, Heat and Power Company shall also possess all powers, rights and privileges which are conferred on any such company by any general Act of the Legislature of the said Province.

Powers of  
Kingston  
Light, Heat  
and Power  
Company.

4. From and after the passing of this Act the said electric light company shall, save for the purposes in this section set out, be deemed to have ceased to have any corporate existence but all rights of creditors and liens upon the property of the said electric light company and all contracts, agreements and bonds, or any contract, agreement and bond entered into by said electric light company with the corporation of the city of Kingston or any other corporation or persons shall be unimpaired and unprejudiced by the transfer of the assets thereof to

Electric light  
company to  
cease subject  
to rights of  
creditors.

the

the said Kingston Light, Heat and Power Company and all debts, liabilities, obligations and duties of the said electric light company shall henceforth attach to the said Kingston Light, Heat and Power Company and may be enforced to the same extent as if the said debts, liabilities, obligations and duties had been incurred or contracted by it, and no action or proceeding by or against the said electric light company shall be affected by anything in this Act contained, but for all the purposes of said action or proceeding the said electric light company may be deemed to continue to exist or the said Kingston Light, Heat and Power Company may be substituted, in such action or proceeding in place thereof, and all rights, remedies and liens of the corporation of the city of Kingston as against the said Kingston Electric Light Company, and the property and effects of the said company or respecting the same are hereby expressly continued.

Power to increase capital stock.

5. In case a by-law authorizing the same is sanctioned by a vote of not less than one-half in value of the shareholders of the said Kingston Light, Heat and Power Company at a general meeting of the shareholders duly called to consider the by-law, the directors of the said Kingston Light, Heat and Power Company may by by-law increase the capital stock of the said company to the sum of \$250,000 or any less sum which they may consider requisite for the due carrying out of the objects of the said company.

Power to borrow money and issue debentures.

6. In case a by-law authorizing the same is sanctioned by a vote of not less than one-half in value of the shareholders of the said Kingston Light, Heat and Power Company at a general meeting of the shareholders duly called to consider the by-law, the directors of the said company may borrow money upon the credit of the company and may issue bonds, debentures or other securities of the company and may sell the said bonds or debentures, or other securities at such prices as may be deemed expedient or be necessary, but no such debenture shall be for a less sum than \$100.

Power to hypothecate debentures, bonds, etc.

7. The said directors may with the approval of the shareholders signified in manner provided by the last preceding section, hypothecate, mortgage or pledge the real or personal estate of the company to secure any sum or sums borrowed for the purposes thereof, and the said bonds and debentures when issued shall have the same effect on the property of the company, as bonds or debentures issued under the provisions of section 38 of *The Ontario Joint Stock Companies Letters Patent Act*.

Rev. Stat. c. 157.

Reduction of value of stock.

8. The reduction of the value of the said stock of the city of Kingston Gas Light Company is hereby confirmed and made valid but in case a by-law authorizing the same is sanctioned

tioned by a vote of not less than one-half in value of the shareholders of the said Kingston Light, Heat and Power Company at a general meeting of the shareholders duly called to consider the by-law, the directors of the said company may increase the value of the shares thereof to \$100, subject to such terms and conditions as may be approved of by the shareholders at any general meeting called to consider a by-law for such purpose.

9. The shareholders of the said Kingston Light, Heat and Power Company shall at all general meetings of the shareholders thereof have one vote for each share of stock held by them, and any person competent to hold shares may hold any number of shares and any provisions inconsistent herewith contained in the *Act incorporating the City of Kingston Gas Light Company* are repealed.

Shareholders to have one vote for each share held.

11 V. c. 6.

10. Section 35 of the said Act incorporating the said City of Kingston Gas Light Company is repealed; but at any time from and after the expiration of twenty years from the passing of this Act the corporation of the city of Kingston shall have the right, on giving twelve month's notice to the Kingston Light, Heat and Power Company of such their intention, to expropriate the works and property of said company under and in accordance with the provisions of the general Act in that behalf, being chapter 164, of the Revised Statutes of Ontario, 1887, or any Act amending the same; and the said corporation shall have and possess all the powers, rights and privileges conferred by the Legislature of Ontario on any company incorporated under chapter 165, Revised Statutes of Ontario, 1887, or on municipalities by chapter 191, Revised Statutes of Ontario, 1887, and nothing in this Act contained shall affect the rights and powers of the said corporation under the last named Act, or under any Act of the Legislature of Ontario passed or to be passed.

11 V., c. 6, s. 35 repealed and company to have perpetual existence.

## SCHEDULE A.

(Section 2.)

MEMORANDUM OF AGREEMENT MADE THIS 31ST DAY OF OCTOBER, 1889.

Between the City of Kingston Gas Light Company of the First Part, and Thomas Boyd Caldwell, William Caldwell, William McCrossie, Allen McCrossie, Benjamin Folger, Matthew Henry Folger, John Gray Campbell, and John Murdock Campbell, sole stockholders in the Kingston Electric Light Company, of the Second Part.

The parties of the First Part agree with the parties of the Second Part that all their property of every kind including their charter, shall be valued



valued at its present money value, in the manner hereinafter provided, and that that value of each share of their stock shall be ascertained by means of such valuation.

The parties of the Second Part agree that all the property of every kind of the said Electric Light Company, including their charter, shall be valued at its present money value in a similar way.

The parties of the First Part agree that they will allot or will procure to be allotted or transferred to the parties of the Second Part as many shares of the stock of the said gas company as shall, at the valuation to be fixed as aforesaid, represent the value of the property of the said electric light company to be ascertained as aforesaid and that in order to carry out this arrangement they will, if it is required, take such steps as may be necessary to reduce the value of the shares of the gas company and to increase the issue thereof, having in view the limitations contained in the gas company's Act of incorporation, it being understood that the said transfer shall be entirely of new shares.

The parties of the Second Part in consideration of such transfer agree that they will assign and transfer all the stock of the said electric light company to such persons as may be nominated by the board of directors of the said gas company to receive such transfer, and that they will execute and procure the execution by the electric light company of such transfers of the property of the said electric light company as the directors of the said gas company may think necessary.

The valuation of the property of the said companies shall be made, if practicable, by a committee of four persons, namely :—John Muckleston and George Richardson as representing the gas company, and William McCrossie and J. M. Campbell as representing the electric light company, and the parties of the Second Part, if they cannot agree upon a valuation, the same shall be left to the award and arbitrament of W. S. Senkler of the town of Perth, County Judge, as sole arbitrator, who shall have all powers given by statute to an arbitrator.

Witness the hands of the parties and the hand of the President and seal of the said gas company.

(Signed in presence of)

BENJ. W. FOLGER,  
MATTHEW HENRY FOLGER,  
JOHN MURDOCK CAMPBELL,  
T. B. CALDWELL,  
WILLIAM CALDWELL,  
J. G. CAMPBELL,  
ALLAN McCROSSIE,  
WILLIAM McCROSSIE.

[L. S.

JAS. A. HENDERSON,  
*President,*  
City of Kingston Gas Light Company.

## CHAPTER 108.

An Act to amend the Act to Incorporate the  
Nicholls Hospital Trust.*[Assented to 4th May, 1891.]*

**W**HEREAS subsequent to the passing of the Act to incorporate the Nicholls Hospital Trust, being chapter 87 of the Acts passed in the 49th year of Her Majesty's reign, Charlotte Jane Nicholls therein mentioned further endowed "The Nicholls Hospital" by the erection of new and more suitable buildings and by the gift of the sum of \$35,000; and whereas the said Charlotte Jane Nicholls departed this life on the 16th day of May, A.D. 1890, having first made and published her last will and testament whereby she bequeathed to the said "The Nicholls Hospital Trust" the sum of \$40,000 as a further endowment; and whereas by her said last will and testament she appointed Richard Hall of the said town of Peterborough, merchant, and Charles McGill of the same place, bank manager, her executors and trustees; and whereas Benjamin Andrew Jackson is one of the legatees mentioned in her said will and is her nephew; and whereas prior to her death she expressed a wish that her said nephew should take up his residence in the said town of Peterborough and take an active interest in the said hospital; and whereas it is desirable to increase the number of trustees upon the board of the said trust; and whereas the said trust is desirous of marking its appreciation of the munificent gifts of the said testatrix by placing upon the said board for the terms of their respective lives the persons in whom she reposed confidence and have presented their petition setting forth the said recited facts and praying that their Act of incorporation may be so amended as to provide for the said increased representation; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The board of trustees of the said trust shall consist of the persons named in and elected as provided by the said Act of incorporation, and in addition thereto of the said Richard Hall, Charles McGill and Benjamin Andrew Jackson. Board of trustees.

2. The said Richard Hall, Charles McGill and Benjamin Andrew Jackson shall each of them upon, from and after the passing of this Act be and continue to be a member of the board of trustees of the said trust during the term of his life. New trustees for life.

New trustees  
to be elected to  
represent cer-  
tain churches.

3. Upon the passing of this Act, each of them, the said Richard Hall, Charles McGill and Benjamin Andrew Jackson shall cease to represent upon the board the church for whose representation he may have been elected, and such church shall thereupon have the right to elect a representative in his place.

## CHAPTER 109.

### An Act respecting the St. Andrew's Society of the City of Ottawa.

*[Assented to 4th May, 1891.]*

Preamble.

WHEREAS the St. Andrew's Society of the city of Ottawa have by their petition prayed for amendments to their Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

32 V.c. 54,  
s. 3, amended.

1. Section 3 of the Act passed in the 32nd year of Her Majesty's reign, chaptered fifty-four is amended by striking out all the words after the word "maintain" in the fourth line of the said section, and substituting therefor the words "and may repeal or amend the same from time to time, with the consent and by the vote of three-fourths of the members who may be present at any meeting of the society duly called for that purpose and generally shall have all the corporate powers necessary to the ends of this Act."

## CHAPTER 110.

### An Act respecting the St. George's Society of Toronto

*[Assented to 4th May, 1891.]*

Preamble.

WHEREAS the St. George's Society of Toronto has by its petition represented that in order to obtain the necessary accommodation for the society, and to carry out its objects more effectually, it has granted a renewable building lease of certain land on Elm street, in the city of Toronto, to the St. George's Hall Company of Toronto (Limited,) upon the agree-  
ment



ment that the company shall erect a suitable building thereon, and provide the society with rooms and other suitable house and office accommodation; that it is desirable and expedient that the society should be empowered to acquire, hold and dispose of shares in the capital stock of the said company, and the society has prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Notwithstanding anything contained in its Act of incorporation or the Act passed by the Legislature of this Province amending the same, it shall and may be lawful for the St. George's Society of Toronto, from time to time, to acquire by purchase, gift, bequest or otherwise, and to hold, sell, dispose of and transfer any share or shares in the capital stock of the St. George's Hall Company of Toronto (Limited), and for the purpose of any such purchase, to call in any funds invested in any other securities.

Society empowered to hold stock in St. George's Hall Company.

2. Any such purchase, calling in, sale, disposition and transfer shall be carried out under authority of the committee of management of the said society, evidenced by resolution thereof in writing under the common seal of the society and the hands of the president or a vice-president, and the secretary and treasurer for the time being.

Mode of dealing with stock so acquired.

3. At any meeting of the said company, the said society may be represented, vote and otherwise act by its president, or in his absence, by one of its other officers authorized, by resolution as aforesaid.

Representation of Society at meetings of St. George's Hall Company.

## CHAPTER 111.

### An Act to extend the powers of the Toronto Home for Incurables.

[Assented to 4th May, 1891.]

WHEREAS the Toronto Home for Incurables is an institution incorporated under the provisions of the *Act respecting Benevolent, Provident and other Societies*; and whereas the said corporation has represented by petition that its operations have been greatly increased since its foundation, and that its benefits have been extended to all parts of the Province, and that

Preamble.

that a very large expenditure is annually incurred for its maintenance, and that the moneys required for its support are raised chiefly by voluntary contributions of the citizens of Toronto, and are also supplied by legacies and bequests received from time to time, and also that very large and extensive buildings have been erected for the accommodation of the patients, and that these buildings require to be still further enlarged to meet the growing claims upon the home, and also that owing to the limitations contained in the said Act in relation to the powers of the corporation to acquire property the corporation has been deprived of the benefits which it would otherwise have received, and which would have tended to increase its usefulness ; and whereas by the said Act the said corporation cannot acquire or hold as purchasers or otherwise lands or tenements or any interests therein exceeding in the whole at any one time the annual value of \$5,000, and is also prohibited from at any time taking by gift, devise or bequest, lands or tenements or any interests therein, the annual value of which together with other lands and tenements theretofore acquired by like means and then held should exceed in the whole one thousand dollars, and is also prohibited by such Act from taking by gift, devise or bequest lands, tenements or hereditaments, the annual value of which together with all other real estate held by the home exceeds \$5,000 ; and whereas it is desirable that the said powers of said corporation with regard to the holding of real estate and interests therein should be extended as prayed for in said petition ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to acquire and hold land and invest moneys derived from sale thereof.

1. For the actual use and occupation of the said corporation for the purposes thereof the said corporation may, notwithstanding any provision in the said Act contained, hold lands, tenements or interests therein acquired by gift, devise, bequest or purchase not exceeding in the whole at any one time the annual value of \$15,000, and the said corporation may also hold further lands, tenements or interests therein acquired by gift, devise or bequest not required for the actual use and occupation of the said corporation for the purposes thereof not exceeding the annual value of \$15,000, but such last mentioned lands, tenements or interests therein shall not be held for a period longer than seven years from the acquisition thereof, and within that period they shall be absolutely disposed of by the said corporation, and such lands tenements or interests therein, as have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators and assigns ; and the proceeds of said sales and all

or

or any part of the moneys derived therefrom or from any other source may be invested from time to time in the securities mentioned in the said Act, and also in mortgage securities over real estate whether freehold or leasehold, and also in municipal debentures or the debentures of any society or company in which any trustee under section 30 of chapter 110 of the Revised Statutes of the Province of Ontario, and of the Act passed in the 52nd year of the reign of Her Majesty, chaptered 18, intituled *An Act to amend chapter 110 of the Revised Statutes as respects investments by Trustees*, may invest any trust fund.

## CHAPTER 112.

An Act to enable William Barclay Craig Barclay to assume the name of William Barclay Craig.

[Assented to 4th May, 1891.]

**W**HEREAS William Barclay Craig Barclay, of the village of Arnprior, in the county of Renfrew and Province of Ontario, school teacher, hath by his petition set forth that he is the legitimate son of George Craig, of the said village of Arnprior, and that his proper and correct name is William Barclay Craig, being so baptized, and that his said father, with his mother and family, came to Canada when the said William Barclay Craig Barclay was but little over a year old, leaving him in Scotland with an aunt named Barclay, and that he was known and called by the name of Barclay, and did take certificates in the University of King's College, Aberdeen, Scotland, by that name; that on coming to Canada in the year A.D., 1873, he continued to be known and called by that name, and has taken his degree of Bachelor of Arts at Queen's University, Kingston, under that name, as well as several certificates of qualification as a teacher in the Province of Ontario; and whereas it is desirable that he should retake and assume his family name of Craig; and he has, by his said petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said William Barclay Craig Barclay shall hereafter be called and known by the name of William Barclay Craig.

Name  
changed.



Change of  
name not to  
affect existing  
rights and  
privileges.

2. The same William Barclay Craig shall hereafter claim, obtain, exercise and enjoy all and every advantage, benefit, calling, profession, occupation, addition, title and degree which he exercises or enjoys or has been or might be entitled to under the surname of Barclay; and also shall recover, have, hold, and possess and be capable of inheriting all real and personal property and rights, interests, credits, moneys and securities of any nature or kind, whatsoever which he at present has, holds or possesses, or is capable of recovering, having, holding, possessing or inheriting, or might hereafter be capable of receiving, having, holding, possessing or inheriting by and under the surname of Barclay; and also shall not hereafter, by reason of the change of name hereby made, be deprived of or disqualified from exercising or enjoying any addition, title, degree, qualification, advantage, benefit, possession, calling, appointment, honour, position, or any interest or property of any nature or kind whatsoever which he now has, holds, possesses or enjoys, or is or might hereafter be capable of recovering, having, holding, possessing, inheriting and enjoying, if the said change of name had not been made by the adoption of the said name of Craig as his surname.

Pending  
actions not to  
be affected.

3. If any suit or legal or equitable proceeding has been commenced by or against the said party whose name is changed by virtue of this Act by his former name, such suit or proceeding shall not be abated, nor any relief or recovery sought thereby be prevented by reason of any such change of name, but the same may be continued and carried on to judgment and execution, and until satisfaction and discharge had, as if this Act had not been passed.

## CHAPTER 113.

An Act for the relief of the estate of the late William Dunn.

*[Assented to 4th May, 1891.]*

Preamble.

WHEREAS by the petition hereinafter mentioned it has been represented that William Dunn, late of the village of Brockton, in the county of York, died on or about the 27th day of January, 1875 having first duly made and published his last will and testament in writing duly executed in manner required by law in the words and figures following :—

The last will and testament of me, William Dunn of the village of Brockton in the county of York, butcher, is as follows:

I

I give, devise and bequeath all my estate, real and personal, of which I may die seized or possessed or to which I may be entitled to my executors hereinafter named and the survivor of them upon trust as follows :—To permit my wife to retain for her own use, such articles of household or personal value as she may desire, and the rest and residue of my estate, real and personal, save my property on Spadina avenue, to convert into cash as and when in their discretion they may deem best and the proceeds to invest either in good mortgages or government securities and the income arising therefrom and from any real estate unsold to pay over to my wife during life for her support and maintenance and for the support, maintenance and education of our son while he remains at home obedient to her just and reasonable commands. Provided that in case my said wife marry again and the said child be neglected or for any reason be neglected or withdrawn from the mother's care with the consent and approbation of said trustees my said trustees are to see that a fair and reasonable portion of said income be set apart for his support, maintenance and education. Provided that his mother have sufficient for his support and maintenance. Upon the death of my said wife during the minority of said child to apply the said income for his support, maintenance and education and upon his attaining his majority to pay over to him the whole of said income and if he be then of frugal habits and marry to hand over to him the whole of said estate. In case our said son die leaving no issue him surviving (his mother being then dead and the estate not having been transferred to him under the preceding clause) then to divide said estate between my then surviving brothers and sisters, share and share alike. In case either of my said trustees die, refuse to act or become incapable of acting the surviving or remaining trustee shall nominate another to act in his stead to whom all proper conveyances shall be made. I give my said trustees full power to vary investments and to act respecting said estate as in their discretion they may deem wise, and if said trustees deem it advisable they may build upon the Spadina property out of the moneys of said estate for the purpose of increasing the rent. I nominate and appoint as the executors of this my will my brothers-in-law William Lord Wilkinson and William Cox Stratton hereby revoking all former wills.

In witness whereof I have hereunto set my hand this thirteenth day of December, in the year of our Lord one thousand eight hundred and seventy-four.

Signed, published and declared by the  
 above named testator as his last will  
 and testament in the presence of us who  
 at his request, in his presence and in  
 the presence of each other have here-  
 unto subscribed our names as witnesses  
 thereto.

(Sgd.)

WILLIAM DUNN.

(Sgd.) EDWIN GEGG.

(Sgd.) THOMAS LAMBRICK.

That

That the said William Dunn died without having altered or revoked his said will; that William Lord Wilkinson (jeweller) and William Cox Stratton (inland revenue officer), both of the city of Toronto, were by the said will appointed executors, and they on or about the 22nd day of March, 1875, duly obtained probate of the said will and they are now the executors of the said estate; that Julia Dunn is the widow of the said William Dunn, and William Edward Dunn, was, and is, the only child and sole heir at law of the said William Dunn, and that Jonathan Dunn, Wallis Dunn, Samuel Dunn, James Robert Dunn, Frances Elizabeth Wilkinson, Mary Jane Wharin and Rose Amelia Stratton are the only surviving brothers and sisters of the said William Dunn; that William Edward Dunn is upwards of twenty-one years of age but is unmarried; that among other real estate the said William Dunn was before and at the time of his death seized in fee simple of all and singular those certain parcels or tracts of land and premises situate, lying and being in the said city, being lots numbers one and two on the west side of Spadina avenue in the said city, as shown on registered plan number "D 15," the said lots have a frontage on Spadina avenue of eighty nine feet and a depth on the north side of St. Andrew's street of one hundred and twenty-nine feet six inches; that the said land is in one of the most populous parts of the said city of Toronto and is surrounded on all sides with shops and places of business and is now only suitable for business purposes and can only be made remunerative by having shops erected thereon; that the personal estate of the said William Dunn after payment of debts, &c., amounted to about \$11,000; that pursuant to the power given by the said will the said executors erected upon the rear of the said land fronting on St. Andrew's street two brick buildings at a cost of \$6,000 dollars or over; that the remainder of the said sum of \$11,000 the executors propose to expend two thousand dollars upon buildings on the Spadina avenue frontage and to retain the balance to provide for taxes, insurance, repairs and any unforeseen contingency arising in respect of the said estate; that the executors propose to erect upon the said land on the Spadina avenue frontage five solid brick shops at a cost at least of \$17,000 dollars and that in the opinion of the beneficiaries of the said estate the said shops will produce a rental at least of \$2,200 per annum; that in order to enable the said executors to erect such stores it is necessary to borrow upon the security of the said lands; and that said Julia Dunn is fifty-four years of age; and whereas the said executors and the widow, son and surviving brothers and sisters of the said William Dunn have by their petition represented that if power is given to the said executors to mortgage the said lands for the purposes aforesaid and (as and when they may deem expedient) to lease the same for a term of years renewable, great advantage will be gained to the said estate and have  
prayed



prayed that such powers should be granted to the said executors, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said executors and the survivor of them and the person or persons from time to time legally administering the said estate or being trustee or trustees of the said estate are and is hereby empowered from time to time to borrow or raise by mortgage or charge on the said lands or of any part thereof, any sum or sums of money not exceeding in the whole the sum of \$20,000 they or he may think fit, and for that purpose to convey and assure the same in fee simple or for any less estate, to any person or persons or corporation willing to lend such sum or sums, upon such terms as to repayment thereof, and at such rate of interest, and with and subject to such powers, provisoes and conditions, including powers of sale, leasing and distress, as are usual or as they or he may think fit.

Executors  
empowered to  
mortgage or  
charge lands.

2. Every such mortgage or charge shall be, and the mortgagee or chargee, his heirs, executors, administrators or assigns, shall hold the land so mortgaged, or charged free and absolutely discharged from the dower of the widow of the said William Dunn and from the trusts in the said will contained, or any of them, and from the claims of every kind of the said widow, son, brothers and sisters of the said testator, or any, or either of them, under and by virtue of the said will and from every other person claiming by, through or under the said William Dunn.

Mortgages to  
be free from  
certain claims.

3. No such mortgagee or chargee advancing any sum or sums of money to the said executors or either of them or to the trustee or trustees for the time being of the said estate upon any such mortgage or charge shall be required to inquire whether any such mortgage or charge is necessary for the purposes of the estate of the testator, or to see to the application, or be responsible or answerable, to any person or persons whomsoever, for the misapplication or non-application of any sum or sums so advanced.

Mortgagees  
not to be  
answerable for  
applications of  
money.

4. It shall be the duty of the said executors and of the survivor of them and of the trustee or trustees for the time being of the said estate to apply money raised by any such mortgage or charge, after payment of the expenses of this Act and other necessary expenses in and towards the payment for the erection of buildings and improvement upon the said lands and for no other purpose, and save to the extent of giving full validity and effect to any such mortgage or charge as is by this Act authorized to be made, the rights of the persons interested under the said will shall not be affected by this Act.

Application of  
moneys  
borrowed.

Power to  
grant leases.

5. The said executors and the survivor of them and the trustees or trustee for the time being of the said estate is hereby enabled to grant building or other leases for the said lands and of any part thereof for any term or terms of years reserving such rents as to them or him may seem fit and also such rights of re-entry or other rights as to them or him may seem fit and to enter into any stipulation which to them or him may seem proper as to rights of renewal or purchase of the buildings by the persons entitled under the said will to the said lands and for settlement by arbitration of the valuation of the buildings erected or to be erected on the said lands and all other stipulations usually contained in building leases. The said leases and all stipulations therein contained shall be binding upon all persons now or hereafter claiming any interest in the said lands under the said will or otherwise by, through or under the said William Dunn.

Application of  
rents and  
profits.

6. The rents and profits of the said lands shall be applied in pursuance of the trusts and directions contained in the said will so far as they relate to the said lands.

Registration  
of Act.

7. This Act may be registered in the registry office for the eastern division of the city of Toronto in the same manner and with like effect, and upon payment of the like fees as if the same had been a deed relating to the said lands; and the registrar shall register the same upon production to and deposit with him of a copy thereof purporting to be printed by authority.

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